

Bill No. 32 of 1955

A BILL TO REGULATE THE WORKING OF COAL
MINES

NOTE

This Bill enacts a new Act to be known as "*The Coal Mines Regulation Act, 1955*", which repeals and replaces chapter 8 of the Statutes of Alberta, 1945.

The Act deals in detail with the day to day operation of coal mines in the Province, and does not differ in principle from the former Act in any but the most minute details. It is essentially a revision, which has been made to modernize the wording and rules and to set out the provisions in a form whereby the persons concerned in the matter of the Act can observe its directives more easily.

This Bill is to come into force on the 1st day of July, 1955, except for section 92 which is to come into force a year later.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 32 of 1955

An Act to Regulate the Working of Coal Mines

(Assented to , 1955)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Coal Mines Regulation Act, 1955*". Short title

Interpretation

2. In this Act

- | | Interpre-
tation |
|--|--|
| (a) "adequate ventilation" means a supply of at least two hundred cubic feet of fresh air per minute for each person or animal employed in an underground mine and as much more as circumstances may require; | "adequate ventilation" |
| (b) "agent" means a person appointed by, or who in any way acts as a representative of the owner of a mine; | "agent" |
| (c) "assistant manager" means the officer having, under the direction of the manager, control and daily supervision of a mine; | "assistant manager" |
| (d) "banksman" means a person appointed by the owner, agent or manager of an underground mine to have charge of the machinery located at the pit head or surface entrance of the mine; | "banksman" |
| (e) "blaster" means a person employed in a strip mine to take charge of drilling operations and to fire shots; | "blaster" |
| (f) "Board" means a Central Board of Examiners appointed under this Act; | "Board" |
| (g) "boundary lines" means the vertical planes or lines in which the surface boundaries of the location lie; | "boundary lines" |
| (h) "certificate" or "certificate of competency" means a certificate granted pursuant to this Act and entitling the holder to perform the duties of the occupation or office in respect of which the certificate is granted; | "certificate" or "certificate of competency" |
| (i) "check-measurer" or "check-weigher" means a person appointed by the workmen at a mine to check the determination of the amounts of coal or other | "check-measurer" or "check-weigher" |

	mineral on the basis of which the workmen are paid and to perform other duties in connection with such determination;
"combined operations"	(j) "combined operations" means coal mining operations being carried on in a pitching seam where strip and underground extraction are carried on from the seam or connected seams and the underground work is located under the stripping, whether or not the strip operation is being worked;
"Department"	(k) "Department" means the Department of Mines and Minerals;
"detonator"	(l) "detonator" means an approved detonator, electrical squib or other approved device for detonating explosives;
"Director"	(m) "Director" means the Director of Mines appointed under this Act;
"district" or "split"	(n) "district" or "split" means a part of an underground mine having an independent intake airway commencing from a main intake airway, and an independent return airway terminating at a main return airway;
"district inspector"	(o) "district inspector" means a district inspector or an assistant district inspector appointed under this Act;
"electrical inspector"	(p) "electrical inspector" means an electrical inspector appointed under this Act;
"examiner"	(q) "examiner" means a person appointed by the owner, agent or manager of an underground mine, <ul style="list-style-type: none"> (i) to inspect the working places of a mine, the roadways and approaches thereto and other accessible parts of a mine, and (ii) to ensure that the working places, roadways and approaches thereto are safe before a shift is allowed to enter;
"foreman"	(r) "foreman" means the person next in authority to the manager of a strip mine;
"incline" or "slope"	(s) "incline" or "slope" means an excavation that is driven in the earth or strata of an underground mine at an angle with the plane of the horizon and that is or may be used, <ul style="list-style-type: none"> (i) for ventilation or drainage, or (ii) for the ingress or egress of men, animals or material to or from the mine or part thereof;
"inspector"	(t) "inspector" includes the Director of Mines, an assistant director of mines, a district inspector and an assistant district inspector;
"level" or "tunnel"	(u) "level" or "tunnel" means an excavation that is driven in the earth or strata of an underground mine horizontally or at such an inclination as may be necessary and that is or may be used, <ul style="list-style-type: none"> (i) for drainage or ventilation, or

- (ii) for the ingress or egress of men, material or animals to or from a mine or part thereof;
- (v) "manager" means the chief officer having control and daily supervision of a mine; "manager"
- (w) "mine" "mine"
 - (i) means a place within, upon, under or adjacent to which there is a natural bed, stratum or aggregation of strata of coal that is or has been mined, or for the mining of which land is being prepared, and
 - (ii) includes
 - (A) each shaft, outlet, level or slope being sunk or driven for the opening of a mine, for searching for or proving the coal, or for operating the mine, and
 - (B) each shaft, outlet, level, slope, plane, haulageway, workings, apparatus, buildings, machinery, tramway, railway and siding, above or below ground, in, of, belonging to or in connection with a mine, and
 - (C) plant or equipment for the preparation of the coal from the mine for market;
- (x) "miner" "miner"
 - (i) means a person employed underground at the working face to cut, shear, break or loosen coal or rock from the solid, and
 - (ii) includes a loader or other workman employed at the working face;
- (y) "miners' board" means the board appointed under this Act to conduct examinations for miners' certificates; "Miners' Board"
- (z) "miner's helper" means a person employed underground to work under the supervision of a miner at the working face; "miner's helper"
- (aa) "mine surveyor" means a person appointed to survey or supervise the surveying of the workings of a mine and the preparation and drafting of the plans required under this Act; "mine surveyor"
- (bb) "Minister" means the Minister of Mines and Minerals; "Minister"
- (cc) "outlet" includes any shaft, slope, incline, tunnel, level or any other means of ingress or egress to or from an underground mine; "outlet"
- (dd) "overman" means a person who is in daily charge of the underground workings of a mine or part thereof and is next in authority to the manager or assistant manager; "overman"
- (ee) "owner" when used in relation to a mine, "owner"
 - (i) means a person who is the immediate proprietor or lessee, or occupier of the mine or part thereof, and

- (ii) includes, but not so as to exempt the owner from liability, a contractor for the working of the mine or part thereof, and
- (iii) does not include a person
 - (A) who merely receives a royalty or rent from the mine subject to a lease, grant or licence for the working thereof, or
 - (B) is merely the owner of the soil and not interested in the minerals of the mine;
- "pitching seam" (ff) "pitching seam" means a seam that at a point where it is being worked is inclined at an angle to the horizontal of twenty degrees or more, or any other seam designated as a pitching seam by the Director;
- "plan" (gg) "plan" means
 - (i) a map of a mine or section of a mine, or
 - (ii) a copy or tracing of the map, certified by the mine surveyor to be correct;
- "pit head" (hh) "pit head" means a landing at the top of a shaft in an underground mine;
- "regulations" (ii) "regulations" means regulations made pursuant to this Act;
- "safety-lamp" (jj) "safety lamp" means an approved flame-type safety lamp or an approved miner's electric lamp;
- "shaft" (kk) "shaft" means a vertical excavation through strata of an underground mine when the excavation is or may be used,
 - (i) for ventilation or drainage,
 - (ii) for lowering or hoisting men or material into or from the mine or part thereof, or
 - (iii) for the ingress or egress of men, animals or material to or from the mine or part thereof;
- "shot-firer" (ll) "shot-firer" means a person employed by the manager of an underground mine,
 - (i) to fire shots, and
 - (ii) to examine as to the safety of using explosives, and
 - (iii) to supervise the use of explosives in blasting;
- "side" (mm) "side" means the exposed face of the excavation in a strip mine from the surface of the ground to the working level of the pit;
- "slope" or "incline" (nn) "slope" or "incline" means an excavation that is driven in the earth or strata of an underground mine at an angle with the plane of the horizon and that is or may be used,
 - (i) for ventilation or drainage, or
 - (ii) for the ingress or egress of men, animals or material to or from the mine or part thereof;
- "small mine" (oo) "small mine" means a mine in which not more than thirty men, exclusive of the overman, are employed below ground in the space of a twenty-four hour day;

- (*pp*) "split" or "district" means a part of an underground mine having an independent intake airway commencing from a main intake airway, and an independent return airway terminating at a main return airway; "split" or "district"
- (*qq*) "strip mine" means a mine that is worked by the removal of the overlying strata and the coal thereunder by excavation methods; "strip mine"
- (*rr*) "Supreme Court" means the Supreme Court of Alberta; "Supreme Court"
- (*ss*) "timberman" means a person employed in an underground mine who is in charge of timbering operations at a working face, on a roadway or in any other place; "timberman"
- (*tt*) "timberman's helper" means a person employed in an underground mine to work under the supervision of a timberman; "timberman's helper"
- (*uu*) "tunnel" or "level" means an excavation that is driven in the earth or strata of an underground mine horizontally or at such an inclination as may be necessary and that is or may be used, "tunnel" or "level"
- (i) for drainage or ventilation, or
- (ii) for the ingress or egress of men, material or animals to or from a mine or part thereof;
- (*vv*) "underground mine" means a mine other than a strip mine; "underground mine"
- (*ww*) "working face" "working face"
- (i) means a part of a mine from which coal, rock or other mineral is being cut, removed, sheared or loosened,
- (ii) includes a place on a roadway at which brushing from the roof is being done, and
- (iii) in a longwall operation, includes all the area from the solid which is being supported for the purpose of the operation.

Application

- 3.** This Act applies to all coal mines in the Province. Application of Act

Division of Act

- 4.** For convenience of reference only, this Act is divided into Parts and classified under the following headings: Division of Act

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PART I

DIRECTOR OF MINES, INSPECTORS AND BOARD

Appointments

- 5.** (1) Subject to the provisions of *The Public Service Act, 1954*, the Lieutenant Governor in Council may from time to time
- appoint
inspectors
- (a) appoint holders of a first class certificate to be the Director of Mines, an assistant director of mines, a district inspector or an assistant district inspector,
- appoint
electrical
inspector
- (b) appoint the holder of a first class mine electrician's certificate to be an electrical inspector,
- prescribe
duties and
remuneration
of inspectors
- (c) prescribe the duties and fix the remuneration of persons appointed under this section,

- (d) define the district within which a district inspector or an assistant district inspector is to act. define districts
- (2) No person appointed under subsection (1) shall, while he is an inspector or an electrical inspector, be the owner of a mine or act as a mining engineer or a manager, viewer, agent or valuer of a mine. No inspector shall be a mine official
- 6.** (1) Each inspector or electrical inspector appointed under section 5 shall visit each mine within his jurisdiction as often as his duties permit and circumstances require. Inspector shall visit mines
- (2) After each inspection the inspector or electrical inspector shall immediately mail a report to the Director and shall cause a copy thereof to be posted in a conspicuous place at the mine. Inspector shall report to Director
- (3) Each inspector and electrical inspector shall make an annual report to the Director of the mines within his jurisdiction during the preceding year.

Powers of Inspectors

- 7.** (1) An inspector Inspector may
- (a) may require the owner, agent, manager or other proper officer of a mine to produce any report book, document, instrument, lamp, or other thing the production of which he considers necessary in the conduct of his inspection and examination of the mine, require production of articles
- (b) may, in the event of the refusal or neglect to comply with a requirement made under clause (a), take whatever means he deems necessary to obtain possession of the report book, document, instrument, lamp or other thing required, take possession of articles
- (c) may enter, inspect and examine any mine or part thereof at any time, enter and inspect mine
- (d) may examine into and make inquiry respecting,
- (i) the state and condition of a mine or part thereof,
- (ii) the ventilation of a mine,
- (iii) the disposal of water from a mine or mine building, or
- (iv) any matter or thing connected with or relating to the safety of the persons employed in or about a mine or any other mine in the vicinity thereof,
- (e) may make an examination or inquiry to determine whether the provisions of this Act with respect to any mine are complied with, and
- (f) may exercise any power necessary to enable him to carry out his duties under this Act. exercise necessary powers
- (2) Where there has been an accident or other circumstances giving rise to an investigation, an inspector
- (a) may, upon giving receipt therefor, take possession of any report book, document, instrument, lamp or Inspector may take possession of articles important to an inquiry

other thing that may be relevant to the investigation or other inquiry into the accident or circumstances, and

- (b) may leave the report book, document, instrument, lamp or other thing with the nearest detachment of the Royal Canadian Mounted Police but subject to access at any reasonable time of a proper official of the mine.

(3) When any report book, document, instrument, lamp or other thing taken possession of under this section by the inspector is no longer required for the purpose of the investigation, the inspector shall return the report book, document, instrument, lamp or other thing to the person entitled thereto.

Electrical
inspector
may make
inquiry
respecting
electrical
matters

8. An electrical inspector may

- (a) examine into and make inquiry respecting the generation, transformation, distribution or use of electrical energy in or about a mine,
- (b) make an examination or inquiry to determine whether the provisions of this Act relating to electrical matters in or about a mine are complied with,
- (c) enter, inspect and examine any mine or part thereof, at any time, if
 - (i) the mine has been previously examined by an examiner, or
 - (ii) if he is accompanied by the holder of a first class, second class, third class, manager's or foreman's certificate,
 and
- (d) exercise any power necessary to enable him to carry out his duties under this Act.

No person
shall
obstruct
inspector

9. (1) No person shall obstruct an inspector or an electrical inspector in the execution of his duties under this Act.

Owner or
manager
shall furnish
inspector
facilities

(2) No owner, agent or manager shall refuse or neglect to furnish an inspector or electrical inspector the means of making an entry, inspection, examination or inquiry under this Act in relation to a mine.

Board of Examiners

Appointment
of Board of
Examiners

10. (1) The Lieutenant Governor in Council may appoint a Board of Examiners consisting of

- (a) the Director or an inspector nominated by him,
- (b) two managers, and
- (c) two persons, each of whom is a miner or is employed at a strip mine.

Board shall
provide for
examinations

(2) The Board shall provide for the examination of applicants for certificates of competency under this Act.

(3) The Lieutenant Governor in Council may fix the amount of fees and travelling expenses payable to members of the Board other than the chairman, and the fees payable by applicants for certificates. Lieutenant Governor in Council may fix fees and expenses

11. (1) The member of the Board who is the Director or an inspector Director shall be chairman of Board

- (a) shall be the chairman of the Board,
- (b) shall be the chief executive officer of the Board, and
- (c) shall have charge of the business of the Board in the intervals between meetings.

(2) The Board shall meet at the call of the chairman but he shall call a meeting whenever required in writing to do so by any three members of the Board. Meetings of Board

12. The Minister may on the recommendation of the Board Minister may

- (a) make rules governing the types of work that may count toward the experience requirements of candidates for certificates and the knowledge that candidates will be required to show in examinations, make rules governing requirements of candidates
- (b) divide the Province into districts for the purpose of holding examinations, define examination district
- (c) specify the place in each district at which examinations are to be held, and
- (d) appoint persons to conduct examinations and report thereon to the Board. appoint persons to conduct examinations

13. The Board shall

- (a) decide whether or not each applicant for a certificate has shown on examination that he is a fit and proper person to hold it, and Board shall decide if candidate is fit
- (b) report its findings to the Director. report to Director

PART II

MINE OFFICIALS

Owner or Agent

14. (1) An owner or agent taking part in the technical management of a mine Owner or agent managing mine shall hold certificate

- (a) shall hold the certificate required to be held by the manager of the mine, shall hold certificate
- (b) is subject under this Act to the same responsibilities and penalties as though he were the manager of the mine, and
- (c) may give orders or instructions concerning matters that are not expressly provided for by this Act and that do not conflict with the provisions of this Act. may give orders

Appointment of agent shall not relieve owner **15.** The appointment of an agent does not relieve the owner from any responsibility or penalty under this Act.

Manager

Owner shall appoint manager **16.** (1) The owner of a mine or the agent shall appoint himself or another person to be manager of the mine and shall not permit the mine to be worked unless there is a manager.

Manager may give orders (2) The manager shall be responsible for the control, management and direction of the mine and may give orders or instructions concerning matters that are not expressly provided for by this Act and that do not conflict with the provisions of this Act.

Director may require assistant manager (3) Where one or more seams are being worked from separate outlets, irrespective of whether or not there is a common system of ventilation, the Director, in his discretion, may require that the workings be under one manager and one or more assistant managers as he deems fit.

Manager shall hold certificate (4) A manager or an assistant manager shall be the holder of a first class certificate as a mine manager for the type of mine, whether strip or underground, for which he is appointed.

Owner shall notify inspectors of appointment (5) Upon the appointment of a manager or assistant manager the owner or agent shall send to the Director and to the district inspector notice of the appointment, which shall set out

- (a) the name and address of the appointee, and
- (b) the number and class of certificate held by him.

Manager shall not act in other capacities (6) No manager of an underground mine shall act

- (a) as the overman, examiner or agent with respect to any other mine,
- (b) in any other capacity in the same mine except in the case of a small mine,
- (c) as a mine surveyor without the prior consent of the Director.

(7) No person shall be the manager of more than one mine at the same time unless

- (a) written permission is granted to him by the Director so to act, and
- (b) the mines are operated by the same owner.

Manager of combined operations (8) In a case of combined operations by the same operator or affiliated operators

- (a) the person acting as manager of the underground mine shall be responsible also for the operation of the strip mine and shall be the holder of managers' certificates for both underground and strip mines, and
- (b) a foreman shall be appointed to take charge of the strip mine if it is being worked.

17. (1) When a person appointed to be the manager of a mine ceases to be manager by reason of death, resignation or otherwise, the owner or agent shall appoint a new manager within thirty days. Appointment of new manager

(2) Pending the appointment of a new manager in accordance with subsection (1), a person holding a first class or second class certificate may be appointed to perform temporarily the duties of a manager.

18. (1) The manager shall exercise daily personal supervision of a mine while it is being worked and shall be in daily attendance at the mine while it is working. Duties of manager

(2) When a manager is to be absent for a period of not more than thirty days for any temporary cause, a person holding a first class or second class certificate shall exercise the daily personal supervision.

19. Notwithstanding section 16, the operations at a small mine may, with the consent in writing of the Director, be under the daily supervision of a person holding a second class or other requisite certificate and such person shall be the manager. Manager not required for small mine

20. A person performing the duties of a manager shall have the same responsibility and is subject to the same liability as if he were the manager. Acting as manager

21. An assistant manager Powers of assistant manager

- (a) shall be under the direction and control of the manager, and
- (b) shall have the same power and duties as the manager, and
- (c) is subject to the same responsibility and liability as the manager.

22. (1) A manager shall carry out and enforce the provisions of this Act to the best of his ability. Manager shall enforce Act

(2) The manager Manager shall appoint mine officials

- (a) shall appoint in writing sufficient qualified and competent persons to be officials of the mine
 - (i) to meet the requirements of this Act,
 - (ii) to secure thorough supervision of all operations, and
 - (iii) to secure the enforcement of the provisions of this Act,
- (b) shall assign duties to the officials so appointed,
- (c) shall ensure that each official understands and carries out the provisions of this Act relating to the duties assigned to him,
- (d) shall carefully investigate or cause to be carefully investigated any representations made to him as to matters affecting the safety or health of the persons in or about the mine, investigate matters affecting safety and health

appoint stations	(e) shall appoint the stations at the entrance to and inside an underground mine beyond which workmen shall not pass until an inspection has been made,
provide necessary material	(f) shall make provision for an adequate supply of all material and apparatus required to carry out the provisions of this Act and ensure the safety of the mine and persons employed therein,
report material required	(g) shall report in writing to the owner or agent when any required material or required apparatus cannot be provided by him within the scope of his authority,
post time of shifts	(h) shall prescribe <ul style="list-style-type: none"> (i) the times of entering and leaving the mine of the various shifts, and (ii) where a cage is used, the number of persons allowed to ride thereon at one time, and cause to be posted at the pit head or mine entrance a notice thereof,
keep record of persons in mine	(i) shall keep or cause an appointee to keep a record of <ul style="list-style-type: none"> (i) the number of persons going below ground and returning therefrom daily, (ii) the times at which men are lowered into and raised from the mine, and (iii) the cases in which any man is below ground for more than the time fixed by this Act,
be responsible for observance of Act	(j) shall be responsible for ensuring that the requirements of this Act are carried out, and (k) is responsible for the safe operation of the mine.
	(3) The manager or assistant manager, if any, shall visit every working place in a mine at least once each month.

Overman

Owner shall appoint overman	23. (1) The owner, agent or manager of an underground mine shall appoint sufficient overmen for the mine, and shall not permit an underground shift of more than fifty men to work unless it is under the continuous charge of an overman.
Overman shall supervise workings	(2) An overman shall exercise personal supervision and control over the underground workings while they are being worked.
Owner shall notify inspectors of appointment of overman	(3) When an overman is appointed the owner, agent or manager shall send to the Director and to the district inspector notice of the appointment, which shall set out <ul style="list-style-type: none"> (a) the name and address of the appointee, and (b) the number and class of certificate held by him.
Manager shall not be overman	24. (1) The manager shall not be an overman in a mine where more than fifty men are employed in one twenty-four hour period.
Overman shall not perform other duties	(2) Subject to this section the overman shall not perform duties that interfere with his duties as overman.

(3) The overman shall devote his whole working time to the supervision of the mine and the performance of his duties but he may do such things as are necessary for the safety of the mine and persons employed therein.

(4) In a small mine the overman may be the manager unless the Director by notice in writing to the owner or agent requires that the manager and the overman be different persons.

Overman of
small mine

25. (1) Subject to this section the overman shall be the holder of a first class or second class certificate.

Overman
shall hold
certificate

(2) In a mine in which not more than ten men, exclusive of the overman, are employed underground during a twenty-four hour day, the overman may be a person who is the holder of a third class certificate if the Director has issued a provisional certificate authorizing him so to act.

(3) In a mine in which not more than five men, exclusive of the overman, are employed underground during a twenty-four hour day, the overman may be a person who has a miner's certificate and five years' underground experience, if the Director has granted a provisional certificate authorizing him so to act.

(4) A provisional certificate issued for the purposes of this section shall specify the mine in which and the period for which the holder may exercise the rights so granted.

Provisional
certificate
of overman

(5) During any temporary absence of not more than thirty days of an overman the duties of the overman may be exercised by an examiner employed at the mine if

- (a) there is no other holder of a first class or second class certificate employed at the mine to replace the overman,
- (b) the examiner is the holder of a third class certificate, and
- (c) the consent of the district inspector is obtained.

26. An overman shall not be paid at a rate dependent upon the amount of coal or other mineral obtained.

Overman's
pay shall not
depend on
production

27. (1) An overman shall be subject to the direction and control of the manager and, for any orders issued by him without the consent of the manager, is subject to the same liabilities as the manager.

Overman
subject to
direction of
manager

(2) The overman

Overman
shall
have control
underground

- (a) shall have the general control and supervision of the underground operations and the persons engaged therein,
- (b) shall exercise such direction over the work in the mine as will conduce to the safety of the employees and best interests of the mine,
- (c) shall examine all working places at least twice a week with a view to safety and proper working,

direct work

examine
working
places

secure dangerous places	(d) shall cause any dangerous place to be made secure as soon as it comes to his notice,
initial reports	(e) shall daily examine and initial all report books in the part of the mine under his charge and see that the reports are properly recorded,
inspect air-ways and workings	(f) shall inspect or cause to be inspected all airways and accessible old workings at least once each week and cause such inspections to be recorded and signed by the person making them in the book kept at the mine for that purpose,
Additional duties of overman	(g) shall ensure <ul style="list-style-type: none"> (i) that all roadways, headings, airways and chambers are kept as straight as possible, (ii) that pillars and stumps are of uniform and sufficient thickness, (iii) that all stoppings are properly built and maintained, (iv) that doors are hung so as to close of their own accord, are taken off hinges when not in actual use, and are propped or fastened back only during passage, (v) that a trapper does not leave his door for any reason while on duty, (vi) that all entries are driven to the proper height and width, (vii) that all roads are safe, properly cleaned and as well drained as possible, (viii) that animals are properly stabled and not over-worked or abused, (ix) that no coal or other material is lost through improper recovery methods, and (x) that all tools and materials furnished to workmen are properly used.

Examiner

Owner or manager shall appoint examiners	28. (1) The owner, agent or manager of an underground mine shall appoint in writing one or more examiners.
Duties of examiner	(2) An examiner shall make inspections and perform other duties required by this Act with regard to the presence of gas, ventilation, the condition of roof and sides and the general safety.
Owner or manager shall divide mine into districts	(3) The owner, agent or manager shall <ul style="list-style-type: none"> (a) divide the mine into districts of such size that an examiner can properly and thoroughly discharge his duties with respect to a district, and (b) provide that there be an examiner for each district on each shift while the district is being operated.
Examiner in small mine	(4) The manager of a small mine may act as examiner if in so doing he can properly discharge all his duties as manager and examiner.

29. An examiner shall be the holder of a first class, Examiner shall hold certificate
second class or third class certificate.

30. (1) An examiner shall devote his whole working time to his duties as examiner except

- (a) in a small mine, or
- (b) where he is also employed in his district in measuring work done or in firing shots, or
- (c) where duties that do not prevent him from thoroughly carrying out his inspections are assigned to or undertaken by him.

(2) The question as to whether an examiner may perform duties other than his duties as examiner shall be decided by the district inspector.

31. (1) The examiner shall be subject to the orders and Examiner subject to direction of overman
control of the manager and overman.

(2) The examiner Examiner shall

- (a) shall before commencing his shift read and initial initial last report
the reports of the examiner of the last preceding shift and note if gas or any other dangerous condition has been reported,
- (b) shall before work commences inspect each working inspect working place
place in his district and chalk his initials and date at the face at such place,
- (c) shall ensure that entrances to any place found unsafe are fenced off at sufficient distance to prevent fence unsafe places
inadvertent approach,
- (d) shall make the inspections of airways required by inspect airways
this Act,
- (e) shall report anything requiring attention to the report to manager or overman
manager or overman immediately,
- (f) shall watch over all working places in his district, watch over district
- (g) shall, in the event of danger, withdraw persons from danger
 - (i) immediately withdraw all persons who may be exposed to the danger,
 - (ii) fence off the place of danger,
 - (iii) report the danger to the manager or overman, and
 - (iv) make and sign a report of the danger in the book kept at the mine for that purpose,
- (h) shall ensure that the provisions of this Act are enforce observance of Act
strictly observed,
- (i) shall immediately after it comes to his attention report to the manager or overman any failure to observe a provision of this Act.

Shot-firer

32. (1) The manager of an underground mine shall Manager shall appoint shot-firer
appoint such shot-firers as may be necessary.

Shot-firer
shall hold
certificate

(2) A shot-firer shall be the holder of a first class, second class or third class certificate or of a provisional certificate from the Director.

(3) A shot-firer shall be subject to the control of the manager and overman.

Shot-firer
shall not be
contractor

(4) Unless the permission in writing of the Director is first obtained no contractor and no person employed by a contractor shall be a shot-firer.

Driver Boss

Appointment
of driver
boss

33. (1) A driver boss may be appointed for an underground mine.

Driver boss
shall
be under
overman

(2) The driver boss

(a) shall be subject to the control of the manager and overman, and

have charge
of drivers,
etc.

(b) shall have charge of the drivers, chute loaders, spraggers, trappers and others engaged in hauling coal inside the mine.

Outside Foreman

Outside
foreman
under
manager
Outside
foreman to
direct
outside
operations

34. (1) The outside foreman shall be subject to the control of the manager.

(2) The outside foreman

(a) shall direct and supervise all operations outside the mine,

(b) shall ensure

(i) that each person under him performs his duty so as to ensure the maximum safety of persons and property,

(ii) that all explosives and other inflammable materials are handled as carefully as possible,

(iii) that no naked light is allowed in a powder magazine, and

(iv) that all unnecessary fires are extinguished or properly damped before he leaves at the close of day,

and

(v) shall, unless another person is appointed for the purpose, receive orders for supplies and see that they are properly filled.

Hoistmen, Mechanics and Steam Engineers

Master
mechanic or
steam en-
gineer shall
be under
manager

35. A master mechanic or steam engineer appointed to supervise any work

(a) shall be subject to the control of the manager, and

- (b) shall observe the provisions of *The Boilers and Pressure Vessels Act*. observe *The Boilers and Pressure Vessels Act*

36. (1) The manager or the master mechanic, with the manager's approval, may in writing appoint a capable person, at least twenty-one years of age, as a hoistman. Manager may appoint hoistman

(2) A hoistman Hoistman shall

- (a) shall keep watch over the hoist and machinery under his charge, watch over hoist
- (b) shall be in immediate charge of his hoist during hoisting periods, be in charge of hoist during hoisting
- (c) shall be within hearing distance or available at other times, be near hoist
- (d) shall only delegate his duties to delegate duties to proper persons
- (i) another properly appointed hoistman, or
- (ii) a person assigned by the manager to run the hoist under the personal supervision of the hoistman until such time as the hoistman certifies him to be competent to run the hoist without guidance,
- and
- (e) shall know and use the code of signals posted at the mine. use code of signals

37. No person shall have charge of or operate any engine, windlass, gin or machinery used for conveying persons in a mine, or any ropes, chains or tackle connected therewith unless he is certified not more than six months before, as shown on a medical practitioner's certificate kept in the mine office, to be mentally and physically fit to perform his duties. Certificate re physical fitness

Mine Electrician

38. (1) The manager of a mine in which electricity is used in excess of one hundred kilovolt amperes shall appoint a mine electrician who shall have charge of all electrical machinery and apparatus in or about the mine. Manager shall appoint mine electrician

(2) The manager may appoint assistant mine electricians.

(3) A mine electrician shall be subject to the control of the manager and, in his absence, of the overman or foreman. Mine electrician under manager

39. (1) A mine electrician shall hold

- (a) if the mine uses over two hundred kilovolt amperes, a first class certificate as a mine electrician, or
- (b) if the mine uses two hundred kilovolt amperes or less but more than one hundred kilovolt amperes, a second class certificate as a mine electrician. Mine electrician shall hold certificate

(2) No assistant mine electrician, electrician's helper or other person shall do any electrical work unless

- (a) he holds a second class certificate as a mine electrician, or

- (b) he is under the supervision and direction of a holder of a certificate as a mine electrician.
- Provisional certificate of mine electrician (3) The Director may grant to a person with electrical knowledge a provisional certificate which may be cancelled at any time and which shall state
- (a) the mine in which the holder may act as mine electrician, and
 - (b) the period during which and the conditions under which he may act, and
 - (c) that the certificate is provisional only and may be cancelled at any time.
- Owner may notify inspectors of appointment of mine electrician 40. Upon the appointment of an electrician or an assistant electrician, the owner, agent or manager shall send to the electrical inspector and the district inspector notice of the appointment, which shall set out
- (a) the name and address of the appointee, and
 - (b) the number and class of certificate held by him.
- Permission for mine to operate without mine electrician 41. The Minister, upon the recommendation of the Director, may grant an exemption permitting the operation of a mine without a mine electrician.
- Acting mine electrician 42. Where the mine electrician is to be temporarily absent for a period not exceeding thirty days his duties may be performed by a person
- (a) who has electrical knowledge,
 - (b) who is appointed by the owner, agent or manager for that purpose, and
 - (c) whose employment in such temporary capacity is notified to the electrical inspector.

Foreman

- Owner or manager shall appoint foreman 43. (1) The owner, agent or manager of a strip mine shall appoint a foreman of the mine and shall not permit the mine to be worked unless there is a foreman in charge.
- Each shift to be under foreman (2) Each shift worked at a strip mine shall be under the supervision of a foreman, unless the shift is engaged solely in repair or maintenance work.
- (3) The manager may be appointed as the foreman if circumstances are such that he can properly discharge all his duties as manager and foreman.
- Owner or manager shall notify inspectors of appointment of foreman (4) Upon the appointment of a foreman the owner, agent or manager shall send to the Director and to the district inspector notice of the appointment, which shall set out
- (a) the name and address of the appointee, and
 - (b) the number and class of certificate held by him.
- Foreman shall hold certificate (5) The foreman shall be the holder of a certificate for a manager of a strip mine or a foreman thereof.

(6) The foreman, during a temporary absence not exceeding thirty days of the manager, may, if he has the written permission of the district inspector to do so, perform the duties of the manager.

(7) When performing the duties of the manager the foreman shall have the same responsibility and is subject to the same liability as a manager.

44. The foreman

- | | |
|--|--|
| <p>(a) shall inspect the workings of the strip mine at least once during each shift, other than a repair or maintenance shift, with a view to safety,</p> <p>(b) shall enter and sign a report of each inspection in a book which shall be kept at the mine for that purpose, and</p> <p>(c) shall post a copy of each inspection report in a conspicuous place at the mine.</p> | <p>Foreman shall inspect workings</p> <p>report inspection</p> <p>post inspection report</p> |
|--|--|

Blaster

45. (1) The owner, agent or manager of a strip mine shall appoint in writing one or more blasters to supervise the care and use of explosives.

(2) The manager or foreman may act as blaster if the circumstances permit him to discharge his duties in each capacity properly.

(3) The blaster shall be the holder of a certificate for the manager of a strip mine, a foreman or a blaster.

Owner or manager shall appoint blasters

Blasters shall hold certificate

Mine Surveyor

46. (1) The owner or manager shall appoint a mine surveyor to make surveys of the mine and plans from time to time.

(2) A practising mine surveyor who has been appointed as mine surveyor of a number of mines, is for the purposes of this Act

- (a) an employee of the owner of each mine, and
- (b) an official of each mine.

(3) A mine surveyor of an underground mine shall be the holder of a certificate of a mine surveyor.

(4) A mine surveyor of a strip mine shall

- (a) hold a certificate of a mine surveyor, or
- (b) be an Alberta land surveyor, or a Dominion land surveyor.

Owner or manager shall appoint mine surveyor

Mine surveyor is employee and mine official

Mine surveyor shall hold certificate

47. (1) A mine surveyor shall

- (a) prepare plans required by this Act, and
- (b) endorse on each plan a certificate in Form 1 in the Schedule.

(2) No mine surveyor shall make an incorrect plan or a false statement concerning a plan.

Mine surveyor shall prepare plans

certify plans

No false statement to be made

Owner or official shall furnish information to mine surveyor **48.** An owner, agent or other official of a mine shall furnish the mine surveyor with such correct information regarding distances, tonnages extracted, and other particulars necessary for making a plan.

PART III

PERSONS APPOINTED BY EMPLOYEES

Check-weigher, Check-measurer

Employees may appoint check-weigher

49. (1) The persons, who are
 (a) employed in a mine, and
 (b) paid according to the weight of coal or other mineral obtained,
 may appoint a check-weigher to take an account of the weight of the coal or other mineral as it is weighed.

Employees may appoint check-measurers

(2) The persons who are
 (a) employed in a mine, and
 (b) paid according to the measurement of the coal or other mineral obtained,
 may appoint not more than two check-measurers to take an account of the measurement of the coal or other mineral as it is measured.

Qualification of check-weigher or check-measurer

(3) A check-weigher or a check-measurer, at the time of his appointment,
 (a) shall hold a miner's certificate,
 (b) shall have had three years' experience as a miner, and
 (c) shall have been employed
 (i) as a miner at the working face, or
 (ii) as a check-weigher or a check-measurer at a mine in the Province.

Meeting to appoint check-weigher or check-measurer

50. (1) The appointment of a check-weigher or a check-measurer shall follow a meeting of the employees entitled to appoint him.

(2) Notice of the meeting shall be posted in a conspicuous place at the mine at least forty-eight hours before it is held, and shall state the time and place of the meeting and the purpose for which it is to be held.

Meeting shall appoint chairman, etc. vote whether to appoint

(3) The meeting shall
 (a) appoint a chairman and secretary,
 (b) decide by a majority vote by secret ballot of the persons attending the meeting and entitled to appoint, whether or not a check-weigher or a check-measurer is to be appointed, and

receive nominations

(c) remain open for thirty minutes for the purpose of receiving nominations.

(4) If more persons are nominated in writing than are to be appointed, an election shall be held by secret ballot at the mine

Election of check-weigher or check-measurer

(a) on the third day after the meeting if the day is a working day, or

(b) the first working day after the said third day, if the third day is not a working day.

(5) The successful candidate in the election shall be the one receiving the most votes on the first ballot.

(6) Immediately after a check-weigher or check-measurer is acclaimed or elected, the chairman and secretary of the meeting shall leave notice of the appointment of the check-weigher or check-measurer at the office of the mine.

Notice of appointment of check-weigher or check-measurer

51. (1) A check-weigher or a check-measurer may be removed from office by a meeting of the employees entitled to appoint him.

Employees may remove check-weigher or check-measurer

(2) The procedure at a meeting to remove a check-weigher or a check-measurer shall follow, as far as may be applicable, the procedure provided in this Part for the appointment of a check-weigher or check-measurer.

52. No owner, agent, manager, overman or other official of a mine shall influence or attempt to influence the appointment at the mine of a check-weigher or a check-measurer.

Owner or official shall not influence appointment

53. (1) The wages of a check-weigher or a check-measurer shall be paid *pro rata* by all the employees entitled to appoint the check-weigher or check-measurer.

Employees shall pay check-weigher or check-measurer

(2) The check-weigher or check-measurer may recover from any mine employee entitled to appoint a check-weigher or check-measurer that employee's proportion of the check-weigher's or check-measurer's wages, irrespective of whether or not that employee was so entitled at the time of the appointment of the check-weigher or check-measurer.

(3) The employees entitled to appoint a check-weigher or a check-measurer may, by a meeting called in the same manner as a meeting for the appointment of a check-weigher or a check-measurer, resolve that the check-weigher or check-measurer be paid his wages direct from the office of the mine.

Payment of check-weigher or check-measurer from mine office

(4) The chairman and secretary of the meeting shall deliver a copy in writing of the resolution to the owner, agent or manager of the mine.

(5) Upon receiving the copy of the resolution the owner, agent or manager shall withhold from the wages due to the employees entitled to appoint the check-weigher or check-measurer a *pro rata* amount sufficient to pay the wages of the check-weigher or check-measurer from time to time, and shall pay it to him in a like manner as the wages of the miners.

Complaint
against
check-
weigher or
check-
measurer

54. (1) The owner, agent or manager of a mine may make a complaint in writing to a judge of the district court in the judicial district in which the mine is situated asking for the removal of a check-weigher or check-measurer on the ground

- (a) that the check-weigher or check-measurer has impeded or interrupted the working of a mine,
- (b) that the check-weigher or check-measurer has improperly interfered with the weighing or measuring, or
- (c) that the check-weigher or check-measurer has otherwise misconducted himself at the mine.

Judge may
summons
check-
weigher
or check-
measurer

(2) If the judge is of the opinion that the complaint should be investigated, he may issue a summons to the check-weigher or check-measurer to appear at the time and place therein named.

(3) At least five days before the return of the summons, the summons and a copy of the complaint

- (a) shall be served personally on the check-weigher or check-measurer, or
- (b) if such service is impossible, shall be left with some adult person residing at the last known place of residence of the check-weigher or check-measurer.

(4) Upon the return of the summons the judge may hear the complaint, whether or not the check-weigher or check-measurer is present, if the judge is satisfied that the summons and copy of the complaint have been served or delivered in accordance with subsection (3).

Judge may
remove
check-
weigher
or check-
measurer

(5) If the judge finds grounds sufficient to justify the removal of the check-weigher or check-measurer, the judge shall

- (a) by summary order remove the check-weigher or check-measurer,
- (b) appoint another check-weigher or check-measurer to serve until a meeting to consider a new appointment has been held, and
- (c) fix the wages of the person appointed by him.

Costs

(6) The judge may award such costs as he thinks fit, and the costs may be recovered as if awarded by a judgment in the district court.

(7) The decision of a judge made under this section is final and there is no appeal therefrom.

(8) A check-weigher or check-measurer removed from office by an order of the judge under this section shall not act in the Province as a check-weigher or check-measurer for a period of one year from the date of the order of the judge.

Complaint
against
appointment
of check-
weigher
or check-
measurer

55. (1) The owner, agent or manager of a mine, or any employee of the mine entitled to appoint a check-weigher or check-measurer may make a complaint in writing to the judge of the district court in the judicial district

in which the mine is situated that the appointment of a check-weigher or check-measurer was irregular.

(2) A complaint under this section shall be made within fourteen days of the date on which notice of the appointment of the check-weigher or check-measurer was left at the office of the mine.

(3) If the judge is of the opinion that the complaint should be investigated, he shall proceed to hear the complaint.

(4) The procedure on a complaint under this section shall be the same as the procedure on a complaint under section 54.

(5) If the judge finds

(a) that there has been a substantial irregularity in the proceedings leading to the appointment of a check-weigher or check-measurer, or

(b) that the check-weigher or check-measurer is not duly qualified,

Judge may
nullify
appointment

the judge may by summary order declare that the appointment is void, direct another meeting to be held to consider the appointment of a check-weigher or check-measurer, and direct that such meeting and a consequent election be called and conducted under the supervision of a person to be named by the judge.

56. (1) A check-weigher or check-measurer shall, at the place where such weights and measurements are made, take an account of the weights or measurements of coal or other mineral obtained.

Duties of
check-
weigher
or check-
measurer

(2) No check-weigher or check-measurer shall

(a) impede or interrupt the working of the mine, or

(b) interfere with or impede the weighing and measuring.

57. The absence of a check-weigher or a check-measurer shall not interrupt or delay the weighing or measuring.

Absence
of check-
weigher

58. The owner, agent or manager of the mine shall provide the check-weigher or check-measurer with

Provision of
facilities

(a) facilities to take correct account of weights or measures at the place appointed for the weighing or measuring of coal,

(b) facilities for examining and testing the weighing or measuring machinery,

(c) facilities for counting cars and tallies and checking the tare weight of cars when necessary,

(d) shelter from the weather and a desk or table at which to perform his duties, and

(e) access to all parts of the mine necessary for the fulfilment of his duties.

Persons at Pit Head

Employees'
observer at
pit head

59. (1) The persons employed in an underground mine may appoint one or more persons, who when workmen are being lowered or raised shall be stationed at the pit head to observe the times of the lowering and raising.

(2) A person appointed under this section may, but need not be a check-weigher.

(3) The provisions of this Act relating to a check-weigher apply with the necessary changes

- (a) to the appointment, removal and payment of wages of a person appointed under this section, and
- (b) to matters arising between the appointee and mine officials.

Inspection Committee

Appointment
of inspection
committee

60. (1) The persons employed in a mine, other than officials, may appoint an inspection committee of two persons to inspect the mine.

(2) The members of an inspection committee shall be paid by the persons entitled to appoint them.

Qualifica-
tions of
members of
inspection
committee

(3) A person appointed to an inspection committee in an underground mine shall

- (a) have had at least five years' experience in underground work, and
- (b) hold a miner's certificate.

(4) A person appointed to an inspection committee in a strip mine shall have had at least one year's experience in strip mines.

Duties of
inspection
committee

61. (1) An inspection committee

- (a) may at least once in every month, go to every part of the mine and inspect the shafts, roads, levels, workings, airways, ventilating apparatus, old workings and machinery,
- (b) when an accident that is required by this Act to be reported has occurred, may go to the place of the accident and make an inspection to ascertain the cause of accident but this provision is subject to the requirement that the place be left as it was immediately after the accident, and
- (c) where a serious or fatal accident or emergency condition arises, may enter the mine as soon as the inspection committee gathers at the surface entrance and an official to accompany the committee becomes available..

Report of
inspection
committee

(2) Upon making an inspection other than an inspection following an accident an inspection committee shall

- (a) enter and sign a full and accurate report thereof in a book which shall be kept at the mine for the purpose, and

(b) cause a true copy of the report to be sent to the district inspector.

(3) The inspection committee when making an inspection shall be accompanied by an official of the mine who is the holder of a first class, second class or third class certificate or by a manager or foreman.

Official to accompany inspection committee

(4) The owner, agent or manager shall make available to the inspection committee every facility for the inspection.

Facilities for inspection

62. (1) Where the persons entitled to do so at an underground mine, other than a small mine, fail to appoint an inspection committee the Director may appoint the committee from a list of the persons qualified to serve on the committee.

Director may select inspection committee

(2) The owner, agent or manager shall withhold from time to time from the wages due to persons employed underground at the mine a *pro rata* amount sufficient to remunerate the persons selected under subsection (1).

63. (1) The owner, agent or manager of a mine may require that an inspection committee be appointed and thereupon the persons employed at the mine shall appoint the committee.

When appointment required

(2) Where the inspection committee is appointed upon the requirement of the owner, agent or manager the cost of the committee and of the inspection shall be paid by the owner.

PART IV

CERTIFICATES AND EXAMINATIONS

Qualifications for Certificates

64. No person shall hold or be granted a first class certificate or a second class certificate for underground mining unless

Qualifications for certificates

- (a) he is at least twenty-five years of age,
- (b) he has had
 - (i) five years' experience in underground coal mining including one year in work at the working face or its equivalent,
 - (ii) four years' experience in underground coal mining including one year in work at the working face or its equivalent and one year's experience in a machine, engineering or electrical engineering shop, or
 - (iii) if he holds a diploma or degree in scientific and mining training granted by an educational institution approved by the Board, three years'

experience in underground coal mining including one year in work at the working face or its equivalent,

and

- (c) he is the holder of
 - (i) a certificate of a recognized ambulance society,
 - (ii) a mine rescue certificate, and
 - (iii) a miner's certificate.

Qualifica-
tions for
3rd class
certificates

65. No person shall hold or be granted a third class certificate for underground mining unless

- (a) he is at least twenty-three years of age,
- (b) he has had
 - (i) three years' practical experience in an underground mine, or
 - (ii) if he holds a diploma or degree in scientific and mining training granted by an educational institution approved by the Board, two years' experience in an underground mine including one year in work at the working face or its equivalent,
- (c) he is the holder of
 - (i) a certificate of a recognized ambulance society,
 - (ii) a mine rescue certificate, and
 - (iii) a miner's certificate.

Qualifica-
tions for
manager's
certificate
re strip mine

66. No person shall hold or be granted a manager's certificate for a strip mine unless

- (a) he is at least twenty-five years of age,
- (b) he has had
 - (i) at least two years' experience in strip mining operations including six months' experience as or under the supervision of a blaster, or
 - (ii) if he holds a diploma or degree in scientific and mining training granted by an educational institution approved by the Board, one year's experience in strip mine operations including six months as or under the supervision of a blaster,
- (c) he is the holder of a certificate from a recognized ambulance society.

Qualifica-
tions for
foreman's
certificate

67. No person shall hold or be granted a foreman's certificate unless

- (a) he is at least twenty-three years of age,
- (b) he has had one year's experience in strip mining operations including six months as or under the supervision of a blaster,
- (c) he is the holder of a certificate from a recognized ambulance society.

68. No person shall hold or be granted a blaster's certificate unless

Qualifications for blaster's certificate

- (a) he is at least twenty-one years of age,
- (b) he has had six months' experience in blasting under the supervision of a blaster, and
- (c) he is the holder of a certificate from a recognized ambulance society.

69. No person shall hold or be granted a mine surveyor's certificate unless

Qualifications for mine surveyor's certificate

- (a) he
 - (i) has had two years' practical experience in surveying underground mines,
 - (ii) has had one year's practical experience in surveying underground mines and two years' practical experience in surveying with an Alberta land surveyor or a Dominion land surveyor,
 - (iii) holds a diploma or degree in scientific and mining training after at least two years' study in an educational institution approved by the Board, or
 - (iv) is an Alberta land surveyor or a Dominion land surveyor with three months' experience in mine surveying under a mine surveyor,
 and
- (b) he can
 - (i) make an accurate survey of the workings of an underground mine and connect the survey with a surface survey,
 - (ii) make accurate surveys and levellings, and
 - (iii) plot accurately surveys and levellings.

70. No person shall hold or be granted a first class certificate as a mine electrician unless

Qualifications for first class mine electrician's certificate

- (a) he is at least twenty-one years of age,
- (b) he has had
 - (i) two years' electrical experience in a mine,
 - (ii) four years' practical electrical experience including six months' experience in a mine, or
 - (iii) if he holds a diploma or degree from a recognized electrical school approved by the Board, two years' practical electrical experience including six months' experience in a mine,
 and
- (c) he is the holder of a certificate from a recognized ambulance society.

71. No person shall hold or be granted a second class certificate as a mine electrician unless

Qualifications for second class mine electrician's certificate

- (a) he is at least twenty years of age,
- (b) he has had

- (i) at least one year's electrical experience in a mine,
 - (ii) two years' practical electrical experience including six months' experience in a mine, or
 - (iii) if he holds a diploma or degree from a recognized school approved by the Board, one year's practical electrical experience including six months' experience in a mine,
- and
- (c) he is the holder of a certificate from a recognized ambulance society.

Qualifica-
tions for
miner's
certificate

72. No person shall hold or be granted a miner's certificate or a provisional miner's certificate unless

- (a) he is at least eighteen years of age,
- (b) he has had one year's experience in an underground mine including six months' experience at a working face, and
- (c) he has sufficient knowledge of the English language to give and understand working directions and warnings.

Qualifica-
tions for
miner's
permit

73. No person shall hold or be granted a miner's permit unless

- (a) he is at least seventeen years of age,
- (b) he has sufficient knowledge of the English language to understand working directions and warnings, and
- (c) he has had sufficient underground experience in a mine to be capable, in the opinion of the district inspector, of being employed at the working face under the supervision of the holder of a miner's certificate, or
- (d) he is to be employed at a working face designated by the mine manager as a training place and approved for that purpose by the Director.

Examinations

Examination
for
certificate

74. (1) Except in the case of a miner's certificate or a miner's permit, no person shall be granted a certificate until he has passed a written examination to show that he is a fit and proper person to hold the certificate.

(2) Notwithstanding subsection (1) but subject to the approval of the Board, the holder of a first class certificate for underground mines may within one year of his examination for the first class certificate apply for the issue to him, without examination, of a certificate of a manager for strip mines.

Qualifica-
tions before
examination

75. No person shall apply for an examination for a certificate unless he has, or can within one year obtain, the qualifications prescribed by this Part for the certificate that he is a candidate for.

76. (1) A person desiring to write an examination for a certificate shall make application to the Director at least one month before the examination is to be held.

Application
for
examination

- (2) The application shall be accompanied by
- (a) evidence that the candidate has the qualifications for the certificate or can acquire the qualifications within one year, and
 - (b) evidence of his experience, sobriety and general good conduct in and about mines.

77. A person applying for a miner's certificate or a miner's permit shall present a medical practitioner's certificate in a form satisfactory to the Workmen's Compensation Board and certifying that the applicant is physically fit to perform the duties of a miner.

Medical
certificate

Issue of Certificates

78. (1) Upon receiving

Issue of
certificate

- (a) a report from the Board that upon examination it has found the applicant to be a fit and proper person to hold the certificate,
 - (b) proof that the candidate holds any qualifications that he was lacking at the time of the examination, and
 - (c) the fee prescribed for the certificate,
- the Director shall issue to the applicant the certificate applied for.

(2) The certificate shall not issue unless the examination referred to in clause (a) of subsection (1) was held within the last three years.

79. Where there is a reciprocal arrangement the Director may issue a certificate, without a written examination, to an applicant who

Issue of
certificate
without
examination

- (a) is a holder of a certificate granted in another Province of Canada or another jurisdiction in the Commonwealth of Nations that the Board deems equivalent to the certificate applied for, having consideration for the standard of training and examination required in the other Province or jurisdiction, and
- (b) has passed an oral examination by the Director and one other inspector as to his qualifications.

Suspension or Cancellation of Certificates

80. (1) The Director may, by order, suspend or cancel a miner's certificate, miner's provisional certificate or permit upon being satisfied that the holder thereof has been found guilty by a court of personally committing a dangerous practice or of improperly conducting himself in or about a mine.

Suspension,
etc., of
permit

Appeal to
Minister

(2) A miner whose certificate or permit has been suspended or cancelled under subsection (1) may appeal to the Minister from the order of the Director.

(3) The Minister upon the appeal shall have the matter investigated, and may, in his discretion set aside, vary or confirm the order of the Director.

Inquiry into
charge of
unfitness

81. (1) If representation is made to the Minister that the holder of a certificate, other than a miner's certificate, is unfit to discharge his duty by reason of incompetence, misconduct, drunkenness or gross negligence, the Minister, if he thinks fit, may

- (a) cause an inquiry to be made into the representation,
- (b) order the person represented as unfit to deliver up his certificate to the Minister before the date fixed for the inquiry, and
- (c) hold until the conclusion of the inquiry the certificate so delivered up.

Failure to
deliver up
certificate

(2) If the person represented as unfit fails to comply with an order to deliver up his certificate the Minister may suspend or cancel the certificate.

(3) Before the commencement of the inquiry the Minister shall furnish the person represented as unfit with particulars of the representation that has been made against him.

(4) The inquiry shall be public, and shall be held by the Minister, or such person he appoints, at such time and place as he directs.

Representa-
tion at
inquiry

(5) The person represented as unfit

- (a) may attend the inquiry by himself, his solicitor or agent, and
- (b) may, if he thinks fit, be sworn and examined as a witness.

(6) The Minister or the person appointed by him to make an inquiry under this section has all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Disposition
of charge of
unfitness

(7) Upon the conclusion of the inquiry, the Minister may in accordance with the findings

- (a) return the certificate if the representation is not proved, or
- (b) suspend or cancel the certificate if the holder is found to be unfit.

Cost of
inquiry

(8) The Minister may make such order as he thinks fit respecting the costs and expenses of the inquiry, and the order, upon being filed with a clerk of the Supreme Court, has the same effect as a judgment of the Supreme Court.

Minister
may
suspend, etc.
certificate of
convicted
person

82. (1) Where the holder of a certificate is convicted of an offence against this Act or the regulations, the Minister, in his discretion, may cancel or suspend the convicted person's certificate.

(2) A certificate that is cancelled or suspended under this section shall be the certificate under which the convicted person was working at the time the offence was committed and any certificate of higher qualifications.

(3) The suspension or cancellation of a certificate under this section does not affect the convicted person's rights as a holder of a certificate he holds in a lesser qualification.

83. Where a certificate is cancelled or suspended the holder of the certificate forthwith shall surrender up and deliver the certificate to the Minister. Surrender of certificate on suspension, etc.

84. Notice of a suspension or cancellation of a certificate shall be published in *The Alberta Gazette*. Publication of suspension notice

85. The Minister may at any time and in his discretion renew or restore, upon such terms as he may prescribe, a certificate that has been cancelled or suspended. Renewal or restoration of certificate

Miscellaneous

86. The Lieutenant Governor in Council may Powers of Lieutenant Governor in Council

- (a) prescribe fees to be paid in respect of examinations, certificates and permits,
- (b) make regulations respecting provisional certificates,
- (c) make regulations regarding the appointment of miners' boards and the performance of their duties,
- (d) suspend the operation of the provisions of this Act regarding miners' certificates or miners' permits and the granting thereof, and
- (e) make regulations regarding examinations for, and granting of miners' permits.

87. (1) The Director shall keep at his office a register of all certificates granted by him under this Act or by the Commissioner of Public Works for the North-West Territories, the Minister, the Chief Inspector of Mines or the Director under any Act in substitution for which this Act was passed. Register of certificates

(2) The Director shall note in the register

- (a) any cancellation or suspension of a certificate, or
- (b) any other reason by which a certificate ceases to be subsisting.

88. (1) Where the holder of a certificate proves to the satisfaction of the Director that he has, through no fault of the holder, lost or been deprived of the document issued by the Director and evidencing his certification, the Director shall issue to him a certified copy of the certificate that the applicant appears from the register to be entitled to. Issue of copy of lost certificate

(2) The certified copy of a certificate has all the force and effect of the original certificate of which it is a copy.

Deposit of
certificate
or permit at
mine office

89. (1) When the holder of a miner's certificate, provisional certificate or permit commences work at a mine for which a certificate or permit is required, he shall deliver his certificate or permit to the owner, agent or manager of the mine.

Issue of
receipt for
certificate

(2) The owner, agent or manager of the mine

- (a) shall issue a receipt for the certificate or permit,
- (b) shall retain the certificate or permit at the office of the mine so long as the holder's employment continues, and
- (c) shall return the certificate or permit immediately upon termination of the employment and receive a receipt therefor from the holder.

(3) When a mine is being closed down the certificates and permits that have not been returned to their holders shall be delivered up forthwith to the district inspector.

(4) When the holder of a miner's certificate, provisional certificate or permit dies, if the certificate or permit of the deceased holder is in the possession of the owner, agent or manager of a mine, the certificate or permit shall be delivered up forthwith to the district inspector.

Certificate
required to
work at face

90. (1) No person shall work at the working face of an underground mine as a miner unless he holds a miner's certificate or a first class, second class or third class certificate or a miner's permit.

(2) Notwithstanding subsection (1), a person may do repair work at the working face on coalcutters, machinery, cables, motors and other equipment if

- (a) he is an electrician, mechanic, pipe fitter or skilled employee, and
- (b) when the part of the mine in which he is working is not in normal operation, he is accompanied by the holder of a miner's certificate or a first class, second class or third class certificate.

False repre-
sentation

91. (1) No person shall

- (a) falsely represent himself to be the holder of a certificate or permit not held by him,
- (b) represent himself as the holder of the certificate or permit of another person,
- (c) undertake any employment for which a certificate is required by this Act when he is not the holder of such a certificate, or
- (d) being an official of a mine, employ to do any work, whether as a regular occupation or otherwise, a person who is not the holder of a certificate required by this Act for a person doing such work.

Ambulance
and mine
rescue
certificates

92. No person under the age of forty-five years who is the holder of a certificate for which a certificate from a recognized ambulance society is required, shall engage in

any employment or occupy any official position at a mine for which a certificate under this Part is required unless he has passed an examination for the ambulance society certificate within the past five years.

PART V

EMPLOYMENT AND WAGES

Persons Employable

93. The owner, agent or manager of a mine shall keep Records kept in mine office
in the mine office

- (a) a book in which shall be entered the name, age, residence, number of certificate and date of first employment of each person employed in connection with the mine, and
- (b) a daily record of
 - (i) the times of checking in and checking out of each person employed in connection with the mine, and
 - (ii) if the time between checking in or checking out or commencement and cessation of work, of any employee exceeds that permitted by the Act, the reason for the excess.

94. (1) No person shall be employed in or about a mine unless he is a male and at least seventeen years of age. Sex and age of mine employee

(2) The owner, agent or manager is not liable to a penalty by reason of employing a person under the age of seventeen years in or about a mine if

- (a) the underaged person was employed upon the representation of a statutory declaration that he was of the full age of seventeen years, and
- (b) the owner, agent or manager believed in good faith that the underaged person was of the age represented.

(3) This section does not apply to the employment of a person engaged in the performance of clerical work or of domestic duties in a hotel, boarding house or residence operated in connection with the mine.

95. (1) A person who has not previously been employed in a mine in the Province shall, before commencing such employment, furnish the owner, agent or manager of the mine with a medical practitioner's certificate in a form satisfactory to the Workmen's Compensation Board certifying that the prospective employee's eyesight is satisfactory and that he is physically fit to work in the mine. Person commencing employment to furnish medical certificate

(2) A person who has not been employed in a mine within six months preceding his re-employment shall, before commencing such re-employment, obtain a new examination by a medical practitioner, and shall furnish the owner, agent or manager with the medical practitioner's

certificate in a form satisfactory to the Workmen's Compensation Board and showing that the prospective employee's eyesight is satisfactory and that he is physically fit to work in the mine.

Owner to
keep medical
certificate

(3) The owner, agent or manager shall keep each certificate furnished to him under this section at the mine office during the time in which the person named in the certificate is employed.

Hours of Employment

Maximum
hours of
work

96. (1) Except under circumstances specifically authorized by this Act, no person on a shift shall be, or be allowed to be, below ground in a mine in the course of his employment for more than eight hours during any period of twenty-four consecutive hours.

Calculation
of length
of work
period

(2) Each person on a shift shall be deemed to have complied with subsection (1) if the period between

(a) the time the first workman on the shift leaves the surface and the first workman returns to the surface, and

(b) the time at which the last workman on the shift leaves the surface and the last workman returns to the surface

does not exceed the permitted periods.

(3) Notwithstanding subsection (1) a person employed at the mine may remain below ground

(a) for the purpose of rendering assistance in the event of accident,

(b) for meeting any danger, or

(c) for dealing with an emergency or exceptional work that is required to be done without interruption in order to avoid serious interference with the ordinary work at the mine.

(4) Notwithstanding subsection (1) a repairing shift may, for the purpose of avoiding work on Saturday or Sunday, commence a period of work on Friday or Saturday,

(a) before twenty-four hours have elapsed since the commencement of its last period of work, and

(b) at least eight hours after the end of the last period of work.

(5) No person shall be deemed to have contravened subsection (1) if he has taken all reasonable means to prevent a contravention thereof.

Fixing times
of shifts

97. The owner, agent or manager

(a) shall fix the times at which a shift will enter and leave the mine,

(b) shall fix times so that

(i) each person on the shift will have the opportunity of returning to the surface within the time prescribed by the Act, and

- (ii) the time during which lowering or raising is done does not exceed that reasonably required,
- (c) shall make all arrangements necessary for the observance of the times posted for the lowering and raising of shifts, and
- (d) shall station a person at the pit head
 - (i) to direct the lowering and raising of persons to and from the mine,
 - (ii) to record the times at which persons are lowered into and raised from the mine, and
 - (iii) to record the name and number of each person going below ground and returning from below ground on each shift.

98. Each person employed at a mine shall immediately before going below ground and immediately after returning from below ground report his presence to the person stationed at the pit head.

Person going or returning from below ground shall report

Wages

99. (1) Where the amount of wages paid to persons employed in a mine depends on the amount of coal or other mineral obtained, the persons so employed shall be paid according to the weight of the coal or other mineral obtained by them, unless otherwise expressly provided by an agreement between the employer and employees.

Wages paid according to weight

(2) The coal or other mineral shall be weighed as close to the mine entrance as practicable.

Coal shall be weighed near entrance

(3) Before being weighed each car shall be disconnected from other cars and shall be brought to a complete stop.

(4) Where

- (a) conditions prevent the separate weighing of the coal or other mineral from any individual working place, or
- (b) the production from a number of working places is taken from one central loading point or chute, the total tonnage shall be weighed and an allocation made to the workmen engaged in obtaining the coal or other mineral, on the basis of measurements taken at the working places.

100. (1) Upon being satisfied that the provisions of section 99 cannot be conveniently applied to any mine, the Minister may by order exempt the mine from the provisions of that section.

Minister may exempt weighing of employees' production

(2) An exemption from the provisions of section 99

- (a) may be made subject to such conditions as may be specified in the order,
- (b) may be made applicable for a specified period, or until further order, and
- (c) may be varied or revoked at any time.

Deduction
for stone or
improper
loading

101. (1) The owner, agent or manager of a mine and an employee who is paid according to the amount of coal or other mineral obtained may in writing agree to deductions being made in respect of

- (a) stones and other foreign material sent out of the mine with the coal or other mineral, and
- (b) improper filling of cars by the persons obtaining the coal or mineral or by the loader.

(2) In the absence of an agreement as provided for in subsection (1), no deductions shall be made for any of the matters specified in that subsection.

(3) When an agreement made pursuant to subsection (1) does not specifically provide the manner in which the deductions may be made, the manner shall be determined

- (a) by a further agreement between the owner, agent or manager and the persons employed, or
- (b) by a person appointed by the owner, agent or manager and a check-weigher or other person appointed by the employees, or if they cannot agree, by a third person appointed by such appointees.

(4) The Minister may

- (a) when the owner, agent or manager or the employees fail to appoint a person to determine deductions, appoint a person for that purpose on their behalf, or
- (b) when the persons appointed by the owner, agent or manager and by the employees cannot agree on a method of determination or upon a third appointee, appoint a third person to determine the method of deductions.

(5) The owner, agent or manager shall provide each person appointed under this section with every facility that is necessary to determine the amount of the deductions and the method by which they are determined.

Deductions
from wages

102. (1) An employer may, without an order or request to do so, retain out of moneys due to a person employed in or about a mine any sum payable by such person for explosives, coal, oil or other supplies, or for rent.

(2) The owner, agent or manager of a mine may, upon the written request of a person employed in or about a mine and in strict accordance with the request, apply the whole or any part of the money due to that person to the payment of hospital dues, sick and accident fund dues or union dues payable by that person.

PART VI

PERMITS TO OPERATE AND ABANDONMENTS

Commencement of Operations

103. No person shall

- (a) begin any mining operations at a place at which mining operations have not been previously carried on,
- (b) begin anew any mining operations at an abandoned mine or at a mine where mining operations have been discontinued for a period of more than twelve months, or
- (c) carry on any mining operations at any place in the Province,

unless he holds a permit issued by the Director and authorizing the same.

Permit for
mining
operations

104. An application to the Director for a permit for mining operations shall be accompanied by

- (a) proof that the applicant has complied with the requirements of *The Industrial Wages Security Act*, and
- (b) a programme setting out the particulars of the proposed operations for the development of the mine.

Application
for permit

105. (1) The owner, agent or manager in the operation of his mine shall not, without the consent in writing of the Director, depart from or go beyond the programme of operations upon which his permit to operate is based.

Operation
of mine
within
permit

(2) An application for the consent of the Director to a departure from or extension to the programme of operations shall be accompanied by a programme of the proposed departure or extension.

106. The Director shall not grant a permit to operate if, in his opinion, the proposed operations would preclude the recovery of coal that could be recovered by practical and reasonable operations.

Director
may refuse
permit

Notice of Certain Changes

107. (1) Where a change in the ownership of a mine occurs, the new owner, or his agent or manager shall notify the Director and the district inspector forthwith in writing.

Notification
of change of
ownership

(2) The mining operations at the mine shall be discontinued after twenty days from the change of ownership unless the Director renews the permit for the operations at the mine.

Notice of
certain
changes

108. The owner, agent or manager shall advise the Director and the district inspector in writing within twenty days after

- (a) a change in the name of the mine,
- (b) a change of owner, agent, manager, assistant manager, overman or foreman,
- (c) a change in the officers of a corporate owner,
- (d) work begins on the opening of a mine or seam, or
- (e) a mine is abandoned or the working thereof discontinued.

Abandonment of Mines

Approval of
abandon-
ment

109. (1) No owner shall suspend operations at or abandon a mine or an integral part thereof without first obtaining approval of the Director on a form, which may be obtained from the Director.

Variation of
abandon-
ment
programme

(2) Upon receiving an application for the Director's approval of a suspension or of an abandonment the Director may

- (a) vary the proposed programme or prescribe a programme to be used in the operations, or
- (b) prescribe the conditions under which approval is given.

(3) For the purpose of this section, a district shall be deemed not to be an integral part of a mine.

Procedure
on expiry of
suspension

110. (1) Where mining operations have been suspended with the approval of the Director and are not resumed within twelve months of such approval or such lesser time as the Director may have set out in the approval, the owner may, if he gives reasons therefor, apply to the Director for an extension of the time of suspension and the Director in his discretion may refuse the application or may grant it in whole or in part.

(2) If

- (a) the time of suspension is not extended,
- (b) an application for such extension is not made, or
- (c) a mine in respect of which no application under section 109 has been made has not in the opinion of the Director been worked or maintained,

the Director may order the owner to abandon the mine in accordance with his instructions.

(3) If any question arises as to whether a mine has been or should be abandoned, the decision of the Minister is final.

Abandonment Operations

Abandoned
shafts to be
filled

111. (1) Where a mine is abandoned, or the working thereof permanently discontinued, the owner and every other person interested in the coal in the mine shall thereupon cause the top of each shaft or entrance from the surface

to be protected, by filling the shaft from the bottom to the top and packing with ashes, dirt or other debris, to the satisfaction of the Director.

(2) Where the use of a slope, level or other opening has been discontinued the owner, agent or manager shall cause the entrance to be filled with debris or other material or otherwise protected as may be prescribed by the district inspector.

112. (1) When the operation of a pit at a strip mine has been discontinued, such precautions shall be taken as may be directed by the district inspector.

Abandonment operations at strip mine

(2) Subject to subsection (3), the land on which a strip mine is located shall be back filled and levelled as the operations progress and shall be restored as nearly as possible to its original condition.

Back filling

(3) At a strip mine in a pitching seam no back filling shall be done unless the Director in writing requires or consents to the back filling.

113. Any person making a test hole or pit for the purpose of searching for or proving a coal seam shall fill the hole or pit as soon as it has served its purpose or when ordered to do so by the district inspector, whichever sooner occurs.

Abandonment operations at test pits

114. Where operations have at any past time been conducted to search for, prove or mine coal, the Minister may order the owner of the coal to do whatever the Minister deems necessary to abandon the operations.

Order to abandon past operations

115. The approval of the Director to an abandonment operation does not relieve the owner, the owner of the coal, or any other person liable of the burden of any other or further abandonment operation that may from time to time be necessary.

Effect of approval of abandonment

116. (1) Where with respect to any abandoned or discontinued mine or part of a mine a person fails to perform satisfactorily any abandonment operation that he is required to do by this Act, or fails to fill or drain an abandoned mine or works in accordance with an order of the Director, the Minister, or any person duly authorized by him, may enter the mine and do whatever the Minister deems necessary because of the failure.

Minister may perform abandonment operations

(2) The costs incurred by the Minister or the person authorized by him under subsection (1) are a debt payable to the Provincial Treasurer by the person who failed to perform the abandonment operation in accordance with this Act or failed to comply with the order of the Director.

117. The performance of any operation in accordance with this Part does not exempt any person from any liability under any other Act or at common law.

Liability under other Act

No
agreement
relieves
owner

118. No agreement by an owner, a person interested in a mine, or a person interested in the coal, with any other person

- (a) relieves the owner of any obligation
 - (i) to perform an abandonment operation at an abandoned or discontinued mine or part of a mine, or
 - (ii) to comply with an order of the Director requiring him to fill up or drain any abandoned mine or works,
- (b) precludes or prevents the conduct of any operation necessary for the purposes set out in clause (a), or
- (c) relieves the owner of the mine, as between himself and any other person, of liability with respect to any such operation and the cost and expenses thereof.

No removal
of protection

119. No person shall without authority remove or tamper with any protection provided to safeguard any slope, shaft, drift or opening to a mine or any pit at a mine.

Abandonment Plans

Plan
deposited
on abandon-
ment

120. (1) The owner of a mine that is either temporarily or permanently abandoned shall deposit with the Director within three months or such further time as the Director in writing may allow the plan of the mine.

(2) The plan shall be to such specifications as are required for a plan kept while the mine is being worked, and shall show the position of all workings up to the date of abandonment.

Return of
abandon-
ment plan on
re-opening

121. If an abandoned mine is re-opened the Director shall return to the owner the plans deposited with him upon the abandonment if

- (a) the owner requests this return, and
- (b) the owner furnishes the Director with copies of such of the plans as the Director may require.

Judge may
order
delivery of
plans

122. Upon an application by the Minister, a judge of the Supreme Court may, by order, require any person having in his custody or possession any plan of an abandoned mine or seam to deliver them to the Director for the purpose of inspection and copying.

PART VII

PLANS

123. (1) The owner, agent or manager of a mine shall keep at the mine office a plan of the mine, and the plan shall show Scope of
mine plan

- (a) the workings of the mine on a scale of not more than two hundred feet to the inch,
- (b) the workings surveyed up to a date not more than twelve months previous,
- (c) extensions to the workings sketched in up to a date not more than three months previous, and
- (d) the position of the entrances to the mine with regard to a survey monument.

(2) The district inspector, in writing, may extend the period provided in clause (c) of subsection (1).

(3) In addition to the particulars required by subsection (1) the plan shall show Detail of
mine plan

- (a) the boundaries of the workings of the mine and all working places,
- (b) the position, direction and extent of each known fault in the mine with its vertical throw, and of each known washout or dike,
- (c) the position of the workings with regard to the surface,
- (d) the general direction and degree of dip of the strata,
- (e) the depth, which shall be referred to a bench mark on the surface near the entrance of the mine and which shall be in relation to sea level, of each shaft and the elevation of the floor of the coal, in feet and decimals thereof, at reasonable intervals on the main entries and slopes, and at such other places as the district inspector may require,
- (f) a section of the seam,
- (g) the outer boundary of the area comprised in the last preceding survey indicated by a line, and the date upon which the last survey was made,
- (h) the legal description of all land from which the coal is mined,
- (i) the boundaries of each lease or other grant of coal
 - (i) within which any part of the mine is contained, or
 - (ii) that comprises an area laterally adjoining the mine from which the owner of the mine has the right to obtain coal, and
- (j) the name of the owner of the coal, and the date and number, if any, of such lease or other grant.

Plan of workings

124. The owner, agent or manager shall keep at the mine office a plan in like detail as that prescribed by section 123 and showing the workings of every seam in which operations are conducted.

Production of plan for inspector

125. The owner, agent or manager of a mine shall upon request produce at the mine to an inspector or electrical inspector the plan of the workings and shall upon request mark on the plan the progress of the workings of the mine up to the time of such production of the plan.

Owner or manager shall furnish inspectors with plan

126. The owner, agent or manager of a mine shall furnish the Director and district inspector with an up to date plan of the mine at least once a year.

Plan showing pipe lines

127. (1) The owner, agent or manager of a mine shall keep at the mine office a plan of the mine drawn to the scale prescribed in section 123 and showing the position of the workings of the mine in relation to any petroleum, natural gas or other pipe line crossing any lease or grant in which the mine or part thereof is comprised.

(2) The owner, agent or manager of the mine shall forward a copy of the plan to the Director as soon as the vertical planes in which the workings lie approach within five hundred feet of a petroleum, natural gas or other pipe line.

Plan of outlets shall be posted

128. The owner, agent or manager of a mine shall post in a conspicuous place at the mine a plan showing the principal ways of ingress and egress to and from the various outlets with the travelling roads leading thereto.

Specifications of plan

129. A mine surveyor shall not for the purposes of any provision in this Act furnish a plan that does not comply with the specifications and contain the information required by the provision.

Director may require plan to be made

130. (1) Where a mine plan is not furnished or kept in accordance with the requirements of this Part, the Director may, in addition to any other procedure or remedy, require the owner, agent or manager to cause a correct plan of the mine to be made within thirty days.

Survey and plan by Director

(2) In the event of non-compliance with a requirement of the Director under subsection (1), the Director may cause a survey and plan of the mine to be made.

(3) The cost of a survey and plan made under subsection (2) is a debt payable to the Provincial Treasurer by the owner, agent and manager of the mine jointly and severally.

131. (1) No person other than an employee of the Department or the owner of the coal may view a plan in the possession of the Director except on payment of such fee as may be prescribed.

(2) Where a copy of a plan is obtained from the Director, the preparation thereof shall be at the cost of the person applying therefor.

PART VIII

MINE BUILDINGS

Buildings at Mine

132. (1) The owner of a mine shall provide at the mine sufficient buildings to provide, in accordance with the provisions of this Act and regulations Mine buildings

- (a) a mine office,
- (b) places for storage and distribution of explosives,
- (c) a washhouse,
- (d) latrines, and
- (e) a lamp house if safety lamps are used at the mine.

(2) The manager shall in writing appoint a responsible person to have charge of the buildings required by this Part and to carry out and enforce the provisions of this Act and regulations governing such buildings. Person in charge of buildings

133. (1) A tipple or cleaning plant shall be kept as clear as practicable of fine dust and cleaned off at least once daily. Building shall be kept dust-free

(2) The district inspector may order all smoking stopped in or about the buildings and impose other safety rules he may consider necessary if in his opinion coal dust held in suspension in the atmosphere at a tipple, cleaning plant, screen or other building is of such quality and fineness as to be dangerous.

Washhouses

134. (1) Where more than twenty persons are employed at a mine, sufficient accommodation to enable the employees to wash themselves conveniently and to dry and change their clothes shall be provided. Washhouse

(2) The washhouse shall be located near the principal entrance of the mine, and shall not be in an engine house or boiler house. Location of washhouse

(3) Where employees enter and leave a mine at a distance from the main entrance and beyond a reasonable distance from washing facilities, the Minister may order a washhouse and a lamp house to be provided as near as is practicable to the place at which the employees enter and leave the mine.

135. (1) The owner, agent or manager of the mine shall before any washhouse is erected submit plans and specification of the washhouse to the Director and shall obtain in Plans of washhouse

writing the Director's approval, which shall set out the maximum number of men for which the washhouse is approved.

Specifica-
tions for
washhouse

- (2) A washhouse shall be
- (a) of sufficient size for the use for which it is approved,
 - (b) efficiently lighted and ventilated,
 - (c) constructed of a material approved by the Director,
 - (d) provided with a floor of cement or like material so laid that water will drain away,
 - (e) so constructed that it may be easily cleaned to prevent accumulations of dirt,
 - (f) provided with a readily available shower or spray for each ten persons in the largest shift using the washhouse, and the shower or spray shall be so equipped that a person showering or spraying can regulate the supply of hot and cold water,
 - (g) provided with lockers or hangers on which the employees may keep their clothes and other articles securely locked,
 - (h) provided with efficient means for drying clothes in lockers or on hangers, and
 - (i) provided with two means of exit.

(3) The clear floor space in the change room of a washhouse shall not be less than eight square feet for each person in the largest shift using the washhouse, but the area occupied by benches used in front of lockers may be calculated in the clear floor space.

Washhouse
shall be kept
in repair
and
heated
Water in
washhouse

136. (1) The owner, agent or manager shall cause a washhouse to be kept in good repair and heated, when in use, to approximately seventy degrees Fahrenheit.

(2) The water supplied in a washhouse shall be suitable for washing and not injurious to health.

(3) If the suitability of the water supply is questioned it shall be determined by the analysis of a sample thereof by the Provincial Analyst.

Washhouse
rules

137. (1) The owner, agent or manager may make rules governing the use of a washhouse,

(a) requiring the washhouse to be kept in a clean and sanitary condition, and

(b) with respect to conduct therein, but the rules shall be subject to the approval in writing of the district inspector.

(2) When approved by the district inspector, the rules shall be posted in a conspicuous position in the washhouse.

Employees
shall
contribute
for
washhouse

138. Where a washhouse is provided in accordance with this Act, persons employed at the mine shall contribute from time to time such sums as may be agreed upon between such persons and the owner, agent or manager.

Latrines

139. (1) Suitable latrines or outhouses for sanitary purposes shall be maintained in convenient positions near the outlets and surface works of a mine. Latrines

(2) Each latrine or outhouse

- (a) shall be kept in a clean and sanitary condition and in good repair, and
- (b) if not of a flushing type, shall be emptied at least twice each week.

Underground Filling Station

140. (1) The oil tanks of diesel locomotives shall be filled only at filling stations authorized by the manager and approved by the district inspector. Under-ground filling stations

(2) An underground filling station

- (a) shall have a smooth concrete floor,
- (b) shall be ventilated by a through current of air,
- (c) shall be constructed of non-flammable material and provided with fire-proof doors opening outward, and
- (d) shall contain adequate fire fighting equipment in good working order and approved by the district inspector.

(3) The oil supplied at a filling station and used in a diesel locomotive underground Oil at filling station

- (a) shall have a flash-point of not less than 150 degrees Fahrenheit as certified by the refiner,
- (b) shall be taken below ground only in sufficient quantity for one day's work unless permission to take in a larger quantity is obtained from the district inspector, and
- (c) shall be taken below ground in strong metal receptacles that do not leak.

(4) Adequate means shall be provided to prevent the spilling of oil during the filling of oil tanks. Spilling of oil

(5) Spilled oil shall be

- (a) immediately taken up with sand,
- (b) deposited in a fire-proof receptacle, and
- (c) removed from the mine at intervals not exceeding twenty-four hours.

(6) All empty oil containers shall be taken out of the mine daily.

(7) A copy of this section shall be posted in a conspicuous place at each underground filling station.

Stables

141. (1) Underground stables shall be located so that ventilation through them will pass directly to the return airway. Under-ground stables

(2) The stable, in construction and material shall be as nearly as practicable incombustible.

(3) No person with an open light shall enter or remain in a stable.

(4) Any person in a stable shall extinguish any open light he may find and all other unnecessary lights.

(5) No inflammable material shall be placed in a stable except such hay as is needed for immediate use.

(6) An underground stable that accommodates more than four horses shall be provided with

(a) buckets and constantly filled water barrels, and

(b) a water pressure system with suitable hose connections and hose, or an adequate supply of chemical fire extinguishers.

(7) All manure in a mine shall be removed each working day.

Water

Director
may order
disposal of
water

142. (1) If it appears to the Director, from an inspector's report or otherwise,

(a) that water from a mine or mine building, or

(b) that because of the presence of mining operations, water from another source,

may cause injury or damage or be a source of danger, inconvenience or nuisance, the Director may in writing order the owner, agent or manager, forthwith upon receipt of the order, to dispose of the water or provide for its disposition in such manner as may be set out in the order.

(2) The owner, agent or manager, if he disputes the reasonableness or necessity of the order shall, within forty-eight hours of receiving the order, forward in writing to the Director a notice of his objection.

Arbitration

(3) A dispute under subsection (2) shall be decided by arbitration pursuant to this Act and pending the decision by arbitration the order objected to shall be suspended.

(4) An owner, agent or manager shall,

(a) comply with the order of the Director under this section, or

(b) in the event of dispute, comply with the decision made after arbitration.

PART IX

SHAFTS, SLOPES AND HAULAGE

Cager or Onsetter

Owner or
manager
shall appoint
cager
Cager under
overman

143. (1) The owner, agent or manager of an underground mine shall appoint a cager or onsetter.

(2) The cager or onsetter shall be subject to the control of the overman and shall have the general direction of work at the pit bottom.

- (3) The cager or onsetter Duties of
cager
- (a) shall ensure that persons, animals, cars and materials are raised safely,
 - (b) shall prevent persons from ascending in or on a cage or trip if the opposite cage or trip contains any material,
 - (c) shall prevent persons from ascending in or on a cage that contains a car, and
 - (d) shall comply with the notice respecting the maximum number of persons that may be carried in a cage.

(4) Notwithstanding subsection (3), a cager or onsetter may permit a person to be raised in a cage or trip where, to provide back balance, material is placed on the opposite cage or trip and safely secured.

Banksman

- 144.** (1) The banksman Duties of
banksman
- (a) shall direct work at the pit head,
 - (b) shall ensure that persons, animals, cars and material are lowered safely,
 - (c) shall prevent persons from descending in or on a cage or trip if the opposite cage or trip contains any material,
 - (d) shall prevent persons from descending in or on a cage that contains a car,
 - (e) shall report to the manager any defect noticed in the stop-blocks or other appliances, and
 - (f) shall comply with the notice respecting the maximum number of persons that may be carried in a cage.

(2) Notwithstanding subsection (1), the banksman may permit a person to be lowered in a cage or trip where, to provide a back balance, material is placed on the opposite cage or trip and safely secured.

Hoistman

- 145.** The hoistman Duties of
hoistman
- (a) shall run his hoist only when it is properly provided with brakes, indicators and necessary control appliances,
 - (b) shall exclude from his hoist room any person not there in the course of his duties or not properly authorized by the manager,
 - (c) shall refrain from conversation while his hoist is in motion and while attending to signals,
 - (d) shall run his hoist with extreme caution when men are raised or lowered,
 - (e) shall raise or lower men at only a safe speed,

- (f) shall inspect the hoisting machinery and its safety appliances and all ropes and hoisting apparatus in accordance with the directions of the manager, and
- (g) shall report to the manager any defects found in the machinery, appliances, ropes and apparatus.

Signalling

Code of signals	146. (1) Where men or materials are raised or lowered in any shaft or slope in an underground mine, signals shall be used.
Manager may add to code	(2) Signals used shall be those set out in Form 2 in the Schedule and such additional signals for a purpose not set out in Form 2 as may be added by the mine manager. (3) The signals shall be given by means of a gong, bell or other sounding device. (4) A notice setting out the signals shall be posted in the engine room, at the pit head, and at each terminal, intermediate point or landing place in the shaft, slope or pit.
Signals in sinking shaft	(5) In sinking a shaft (a) the signals set out in Form 2 do not apply, and (b) the manager shall prescribe a code of signals and cause it to be posted at appropriate places.
No person shall improperly use signal	147. (1) No person shall improperly use or remove any signal, signal wire or signal apparatus. (2) No person shall without proper authority (a) give any signal, or (b) work or interfere with any signalling apparatus.
Telephone in shafts, slopes and roads	148. In a mine in which more than thirty men are employed underground, telephonic communication shall be provided, (a) between the top and bottom of shafts over one hundred feet in depth, (b) between the top, bottom and landing places of slopes over two hundred feet in length, and (c) between the ends of haulage roads over two thousand feet in length.
Telephone in combined operations	149. Where combined operations are being carried on, telephonic or equivalent communication shall be provided between the stripping and underground operations, and the receiving units shall be placed so that the signal bell will be heard clearly by the attendant.
Communications in shaft	150. Each working shaft over fifty feet in depth and used for the raising or lowering of persons or minerals in an underground mine, shall be provided with means of communicating signals between the surface and the bottom of the shaft and from each entrance in use off the shaft to the surface and the bottom of the shaft.

151. (1) Each underground slope exceeding ninety feet in length and that is self-acting or worked by engine, windlass or gin shall be provided with means of communicating signals between the stopping places and the ends of the slope. Communica-
tions in
slope

(2) Each back or counter-balance exceeding ninety feet in length and used to raise or lower coal or other minerals shall be provided with means of communicating signals between the lower end, the entrance of every working place thereon, and the upper end. Communi-
cations

(3) This section applies to places worked on the McGinty System or any other gravity system where the loaded car raises the empty car.

Outlets

152. (1) From each seam that is being worked there shall be at least two outlets available for egress of the persons employed in the seam. Outlets

(2) The outlets shall be at least one hundred feet apart in all places and joined by a communication road. Communi-
cation roads

(3) Adequate ladders or other apparatus for using the outlets shall be kept at each outlet in good repair and available. Ladders

153. Each part of a mine in which ten or more persons are employed at the same time shall be provided with at least two ways of egress to the surface unless the Director in writing grants an exemption from this requirement. Egress
from mine

154. Each outlet, communication road, airway or traveling road shall be not less than five feet wide and five feet high. Size of
outlets

155. (1) In addition to any other procedure that may be taken by any person application may be made in the Supreme Court for an injunction to prohibit the working of a mine in contravention of the provisions of this Act respecting outlets. Judge may
enjoin
operation
without
outlets

(2) Notice of the application shall be served on the owner, agent or manager of the mine not less than ten days before the application is heard.

(3) Upon hearing the application the judge may award such costs as he thinks just. Costs

156. The provisions of this Act with respect to outlets do not apply Exemption
regarding
outlets

(a) where not more than twenty persons are employed at one time in workings connected with a single outlet

(i) in a new mine or seam being opened,

(ii) in any working for the purpose of making communication between two or more outlets,

(iii) in a working for the purpose of searching for or proving coal,

(iv) in a proved mine which may be ordered by the Director to be exempt from the outlet provisions upon the ground

(A) that the coal is insufficient to repay the outlay for a second outlet or for a communication between outlets to replace one that has become unavailable, or

(B) that the workings of a seam have reached the boundary of the property or coal field and it is expedient to work away the pillars already formed notwithstanding that one of the outlets may be cut off,

or

(b) where a mine is exempt from the outlet provisions for the time being by the order of the Director while an outlet is being made or while an outlet, by reason of accident, is unavailable for use.

Man-holes

Man-holes
in slopes

157. (1) In an underground mine each slope or incline that is over sixty feet long and self-acting or worked by an engine, windlass or gin and on which persons normally travel, shall be provided with sufficient man-holes or places of refuge at intervals of not more than sixty feet and at landings.

Man-holes
in levels

(2) In an underground mine each level, entry or tunnel over any part of which the coal or other mineral in transit exceeds ten tons in an hour, if the coal or mineral is drawn by animal, shall have,

(a) standing room of at least two feet between the side of the car and the side of the road, or

(b) man-holes or places of refuge at intervals of not more than seventy-five feet.

(3) In an underground mine each level, entry or tunnel on which persons normally travel, if the haulage therein operates by gravity, mechanical power or rope haulage, there shall be man-holes or places of refuge at intervals of not more than sixty feet but if the speed of haulage does not exceed five miles per hour and there is standing room of at least two feet between the side of the car or locomotive and the side of the road, such man-holes are not required.

Director
may make
order where
man-holes
insufficient

(4) Where, in the opinion of the Director, the man-holes or places of refuge required by this section are not sufficient, the Director

(a) may order the owner, agent or manager of the mine to make such provisions for the safety of persons travelling on the road as the Director deems necessary, or

(b) may require the provision of a separate travelling road.

- 158.** Each man-hole or place of refuge
- (a) shall be approximately three feet wide, four feet deep and at least five feet high,
 - (b) shall be constantly kept clear,
 - (c) shall be whitewashed or otherwise made of a colour distinct from that of the surrounding walls, and
 - (d) if at a landing, shall be sufficient to give protection to any landing tender from a car running back.

Specifica-
tions of
man-holes

- 159.** No person shall place anything in a man-hole or place of refuge that may obstruct access thereto.

Obstruction
of man-hole

- 160.** The provisions hereinbefore contained regarding man-holes or places of refuge do not apply to conveyor roads.

Conveyor
roads

Hoisting Apparatus

- 161.** (1) Hoisting apparatus used for raising and lowering persons and worked by mechanical power
- (a) shall be designed, constructed and maintained to operate with ease, regularity and safety with the power provided, and
 - (b) shall be firmly connected to a rigid foundation to prevent any material movement as a whole.
- (2) Hoisting apparatus worked by other than mechanical power shall be
- (a) designed, constructed and maintained efficiently, and
 - (b) provided with a locking device or brake that can hold the load at any point in the shaft.

Hoisting
apparatus
with
mechanical
power

Hoisting
apparatus
not having
mechanical
power

- 162.** (1) Each hoist used to raise and lower persons shall be completely separated by a substantial partition from every other engine for other purposes unless the district inspector, in writing, otherwise provides.

Hoist shall
be
partitioned

- (2) On each hoisting engine used to raise or lower persons
- (a) there shall be on the drum
 - (i) a good and sufficient brake that can be operated by the engineer without his leaving his post at the levers,
 - (ii) flanges that extend at least four inches beyond the outer layer of rope when the rope is wound on the drum, but this does not apply in the case of cylindric-conical drums,
 - (b) there shall be hoisting ropes that are well secured on the drum and have at least three laps of rope remaining when fully extended, and that at the other end are securely fastened to the cage by capping, clamps, chains or other approved means, and
 - (c) there shall be an index dial or indicator that shows the engineer plainly at all times the true position of the cages in the shaft.

Equipment
of hoisting
engine

- 163.** (1) No single link chain shall be used for raising or lowering persons.

Chains used
in hoisting

(2) Notwithstanding subsection (1), a short coupling chain may be attached to the cage or load and used with safety chains or ropes that are sufficient to take the load in case of failure of the coupling chain.

(3) All cage chains shall be annealed at least once every six months and the dates of annealings recorded in a book kept for that purpose.

Manager
shall
appoint
person to cap
ropes

164. (1) The manager shall in writing appoint a person to superintend the capping and recapping of hoisting ropes that are used for lowering and raising persons.

(2) The manager shall satisfy himself of the ability of the appointed person to perform such duties.

(3) No rivetted capping shall be used.

Examina-
tion of
hoisting
ropes

(4) The person appointed by the manager for the purpose shall examine each rope once every three months by cutting at least five feet from the lower end of the rope and having the portion cut off examined carefully, internally and externally, for crystalization, corrosion or breaks.

(5) Notwithstanding subsection (4) the time for an examination under subsection (4)

(a) is extended to six months where cylindric-conical drums are used and the safety factor of the rope when new was not less than eight, and

(b) may be extended in any case by the district inspector having consideration for the times of busy and slack operations at the mine.

Use of white
metal in
capping

(6) Where white metal is used in capping ropes the untwisted wires shall be thoroughly cleaned and the socket shall be heated or warmed before the metal is poured into it.

Hoisting
rope shall
not be
spliced

165. A hoisting rope that has been spliced shall not be used for raising or lowering persons.

Worn
hoisting rope
shall be
replaced

166. If a hoisting rope shows signs of excessive wear or weakness it shall be replaced before men are lowered or raised.

No person
shall guide
rope on to
moving
drum

167. No person shall guide a rope on to a drum, sheave, pulley, wheel or sprocket while the drum, sheave, pulley, wheel or sprocket is in motion, except during installation of rope.

Shaft Sinking

Shaft
sinking
under shift
boss

168. (1) Shaft sinking operations in an underground mine shall be under the full control of a shift boss.

(2) The shift boss shall be the holder of a first class, second class or third class certificate and shall be under the control of the manager or overman.

(3) The shift boss

Duties of
shift boss in
sinking shaft

- (a) shall, at least once in every shift, and more frequently if necessary, inspect the shaft, remove loose stones and, if anything is unsafe, stop sinking until it is made secure,
- (b) shall, upon inspection, enter and sign a report on the condition of the shaft in a book which shall be provided for the purpose,
- (c) shall descend in the first bucket and ascend in the last bucket in the shift,
- (d) shall supervise the firing of each shot and ensure that it is fired by a battery at the surface and that the battery is not coupled until every person is out of the shaft,
- (e) shall descend and inspect the shaft with one other person after each cessation of work and satisfy himself as to safety before allowing others to descend,
- (f) where the inspection is made after the firing of a shot and inflammable gas may be present, shall make the inspection with a locked safety lamp,
- (g) where such inspection is made after an intermission of four hours, shall lower a safety lamp before entering the shaft himself,
- (h) shall ensure
 - (i) that the bucket at the bottom of the shaft is so filled that its contents are below the level of the top of the bucket,
 - (ii) that nothing is sticking to the bottom of the bucket and that nothing can fall from it,
 - (iii) that the bucket is in line with the rope and properly steadied before being raised, and
 - (iv) that during walling or bricking, no scaffold is overloaded and that no shaft beneath a scaffold is improperly ventilated.

169. When a shaft is being sunk at an underground mine, the banksmanDuties of
banksman in
sinking shaft

- (a) shall remain at the top of the shaft while men are descending or ascending, and
- (b) shall ensure
 - (i) that the bucket is filled so that all small material is below the level of the top of the bucket,
 - (ii) that nothing sticks to the bottom of the bucket and that nothing can fall from it,
 - (iii) that nothing is placed in a bucket while it is hanging over an uncovered shaft,
 - (iv) that a bucket about to be lowered is lifted from its place of rest and steadied over and into the shaft,
 - (v) that any cover for the shaft is secured by a catch when not being moved on or off the shaft,

- (vi) that a landing wagon or other cover is not left so as to impede ventilation, and
- (vii) that a shaft is not left unfenced.

Duties of
hoistman in
sinking
shaft

170. When a shaft is being sunk at an underground mine, the hoistman

- (a) shall stop at a point eighteen to twenty feet above the bottom of the shaft or place where it is to light, a bucket that is being lowered, and having stopped the bucket, await the signal of the shift boss to let it down,
- (b) shall stop at a point not more than five feet from the bottom, a bucket that is being raised and having stopped the bucket, await the signal of the banksman or shift boss to resume raising it.

Explosives
in sinking
shaft

171. Explosives shall not be taken into or kept in a sinking shaft until immediately before they are required to be used.

Safety lamp
in sinking
shaft

172. When directed by the manager or overman, no lamp but a locked safety lamp may be used in a sinking shaft.

Persons
hoisted in
sinking
shaft

173. (1) When descending or ascending by bucket in a sinking shaft, each person shall keep within the bucket.

(2) No person shall descend or ascend on a loaded bucket.

Shafts for Hoisting

Certain
shafts shall
be fenced

174. (1) The top of each shaft that is out of use or used only as an air shaft shall be securely fenced.

(2) The top and all entrances between the top and bottom of each working, ventilating or pumping shaft shall be properly fenced but the fence may be removed for repairs or other operations if proper precautions are used in the meantime.

(3) Each entrance to a place that is below ground and not in use or in the course of working and extension shall be properly fenced to prevent the entrance of persons and the fence shall be marked with the reason of danger.

Necessary
hoisting
apparatus
shall be
kept at
outlet

175. (1) Proper apparatus for lowering or raising persons and for ingress or egress shall be kept at each outlet where necessary.

(2) Such apparatus is not necessary at an outlet through which persons can walk or at a shaft that is less than two hundred feet in depth and equipped with a proper ladderway or stairway.

Casing of
shaft

176. In a shaft of which one portion is used for lowering or raising persons and another is used for lowering or rais-

ing material, no person shall travel while the latter portion is in operation unless the portion for persons is either cased or securely fenced.

177. Where the natural strata is not safe, each working, pumping or escapement shaft shall be cased, lined or otherwise made secure. Securing escapement shaft

178. A ladder used permanently in an escapement shaft shall be at an angle of not more than forty-five degrees and shall be provided with hand rails and with platforms or landings at each turn. Ladder in escapement shaft

179. Where a mine that is operated by power from a source not under the sole control of the owner has two shafts of more than two hundred feet in depth, apparatus for lowering and raising persons and run by an independent source of power shall be kept constantly available for use at one of the shafts. Stand-by power in shaft

180. (1) In an underground mine, each shaft over fifty feet in depth and in which men are lowered or raised shall be equipped with a cage or cages fitted to guides running the length of the shaft. Cages fitted with guides

(2) Each cage shall be provided with Cages fitted with safety catches

- (a) catches or some other device to prevent the cars falling out, and
- (b) safety catches or dogs to prevent the cage from falling in the event of the rope breaking.

(3) Each cage used for lowering or raising persons shall be covered in completely at the top and closed at the sides to prevent anything projecting and shall be provided with suitable gates, bars or chains, and hand hold rods easily reached by any person in the cage. Equipment of cages

181. Each shaft shall be provided at top and intermediate landings with safety gates approved by the district inspector. Safety gates in shaft

182 (1) In each shaft over three hundred feet in depth where persons are lowered or raised at speeds over four hundred and fifty feet per minute, detaching hooks or overwinding devices shall be provided unless the Director in writing otherwise provides. Detaching hooks and overwinding devices

(2) No car, materials of any kind, or tools and implements other than scientific instruments shall be lowered or raised while persons are being lowered or raised in the same shaft.

183. The manager shall cause to be posted at the top and bottom of each shaft a notice of the maximum number of men allowed to ride in each cage as approved by the district inspector. Notice of capacity of cage

Work at
bottom of
shaft

184. In a shaft of an underground mine

- (a) no person shall attempt to go on or across the uncovered space of the shaft bottom except to work there, and
- (b) no person shall be allowed to work at the bottom of the shaft unless the cages are stopped.

Slopes

Work in
haulage
slope

185. While normal haulage is in operation no work shall be done at a place on a slope in which haulage is worked by gravity or mechanical power unless

- (a) the place is above the points where cars are being moved, or
- (b) ample protection is provided to safeguard against runaway or derailed cars.

No person
shall walk
in haulage
slope

186. While normal haulage is in progress no person shall walk up or down a hoisting slope without the permission of the manager, overman or other proper official.

Conveyor Roads and Longwall Faces

Size of
conveyor
road

187. (1) The main conveyor roads shall be at least four feet high and shall have a clear space of at least two feet between the conveyor and one side of the road.

Persons
may travel
on conveyor
roads

(2) Persons shall travel only in the clear space on the road.

(3) No person shall travel in a moving conveyor unless he has the consent in writing of the district inspector and complies with such terms and conditions as the district inspector may prescribe.

Longwall
face shall
have escape
road

188. (1) On each longwall face an escape or other road shall be provided at intervals of four hundred and fifty feet or such lesser distance as may be ordered by the district inspector.

(2) The escape road shall be at least four feet wide and four feet high to within twenty feet of the face where it may be the height of the seam.

Duties of
person in
charge of
haulage
road

189. A person in charge of a haulage road or incline, or cars or machinery thereon, shall

- (a) pay strict attention to signals and to any deviation from regular course of the cars or machinery,
- (b) if anything is defective, stop the cars and machinery until the defect is repaired or remedied, and
- (c) report any danger, weakness or defect he may find to the manager, overman or person under whom he works.

190. The person who couples a car to another car shall ensure Duties of person coupling cars

- (a) that couplings are secure, in good order and not twisted, and
- (b) that no cars are coupled while in motion.

191. (1) Stop-blocks or some other appliance to prevent cars from going down shall be used at the top of all self-acting inclines, slopes or shafts. Stop-blocks at inclines

(2) Where the manager or overman requires that a drag or other appliance be used, the person in charge of it shall in all cases attach the drag or appliance to the cars before hoisting begins. Drag

192. (1) On all haulage roads adequate clearance shall be maintained between the cars and the sides of the roads, and between the top of the car or its contents and the roof. Clearance on haulage roads

(2) Each haulage or horse road shall be kept as clear as possible of obstructions and no one shall place rails, pipes, props or other materials on one side of the road unless the opposite side is kept clear of all obstructions.

(3) Each road used by an animal shall be of sufficient dimensions to permit the animal when harnessed to pass without rubbing.

Mantrips

193. Subject to the written approval of the Director and to such conditions as he may prescribe, mantrips may be run to convey workmen to or from their work. Director may approve mantrips

194. (1) On slopes, of twenty degrees inclination or more, on which regular mantrips are being hoisted, Coupling of cars on mantrips

- (a) each car shall be attached to the one ahead by two or more separate couplings, each of which can hold the load placed upon it by the braking of the other,
- (b) the first car shall be secured
 - (i) to the rope socket or capping, and
 - (ii) by one or more extra cables or chains attached to the rope above the socket or capping.

(2) On slopes, of less than twenty degrees inclination, on which regular mantrips are being hoisted, each mantrip shall be as prescribed in subsection (1), or

- (a) coupled up in the ordinary manner, and
- (b) provided with
 - (i) a safety rope that extends from the main rope to the last car, or
 - (ii) another approved safety device to serve the same purpose.

(3) On slopes of fifteen degrees inclination or less mantrips or other trips shall be provided with a drag to prevent cars running back.

- No person shall get on moving mantrip** **195.** (1) No person shall entrain or detrain from a mantrip while it is in motion.
- (2) No tools, explosives or gear shall be carried on a car upon which persons ride.
- No person shall ride without permission** (3) No person shall ride on a car or locomotive in, on, or about a mine unless he has first obtained the permission in writing of the manager, overman or other proper official.

Cars, Track and Turn-Tables

- Construction of mine cars** **196.** Cars used in a mine shall be constructed and maintained so that
- (a) the bumpers separate the cars by not less than twelve inches when the cars stand on a straight level road with bumpers touching, and
 - (b) the escape of dangerous coal dust through the sides, ends and floors of each car is prevented as far as possible.
- Cars shall be handled carefully** **197.** Each person handling cars shall
- (a) use great care to avoid injury, and
 - (b) use sufficient sprags while running and drawing cars to prevent the cars from getting beyond control.
- Wooden track** **198.** No wooden track or wooden turn-table shall be used in a mine.

Locomotives

- Locomotive shall not be used without permission** **199.** (1) Haulage by electric locomotive or diesel locomotive may be used in a mine only with the permission in writing of the Director.
- Application for use of locomotive** (2) An application to the Director for permission to install and operate a locomotive shall be made in writing and shall state
- (a) the type and construction of the locomotive,
 - (b) the districts or sections in the mine in which the locomotive will be operated,
 - (c) the maximum gradient of each haulage road,
 - (d) in the case of a diesel locomotive, the quantity of air passing and the percentage of inflammable gas present in the general body of the air, determined with an approved gas testing device, other than a flame-type safety lamp,
 - (i) at each end of a road on which the locomotive is to be used, and
 - (ii) at each intermediate point where air from a split enters the road, except that part of a main intake airway commencing at a shaft or surface outlet that is not within three hundred yards of a face,
- on each shift during a period of not less than six consecutive working days closely preceding the application, and

- (e) such further information as may be required by the Director in considering the application.
- (3) The Director, upon considering the application Director may permit locomotive
 - (a) may in writing grant permission to operate a locomotive on any roadway either on the intake or return of any ventilating district specified in the application, upon such terms and conditions and subject to such special rules as he may prescribe, or
 - (b) may refuse the application.
- (4) The Director, in his discretion and at any time may by notice in writing cancel any permission granted pursuant to this section or may vary the terms, conditions and special rules prescribed.

200. (1) The track upon which a locomotive is operated in a mine shall have adequate strength and rigidity and shall be laid properly and maintained so that the locomotive and its complement of load will be supported with maximum safety at all times. Locomotive track

(2) Each curve shall be of such radius as is safe and where necessary

- (a) the outer rail shall be raised, or
- (b) a guard rail shall be provided.

(3) The clearance on each operated road shall be adequate to prevent the restriction of air currents and to prevent accidents. Clearance on locomotive roads

201. (1) Each locomotive used shall be of a type and construction approved by the Director, and all parts of the locomotive and its accessories shall be maintained properly in their designed condition. Locomotive shall be of approved type

(2) A diesel locomotive shall be fitted with flame-proof traps to prevent emission of sparks, flames, smoke and noxious or toxic gases. Flame-proof trap

(3) A locomotive shall be provided with a whistle or alarm, which shall be sounded when any person is ahead and when the locomotive is approaching or working near partings, switches, curves, doors and landings. Locomotive whistle

202. (1) The braking system of each locomotive shall be maintained in good working order. Locomotive brakes

(2) The braking system shall be examined and tested thoroughly by a capable person who shall be appointed for the purpose by the manager, in writing, Test of brakes

- (a) at least once in every week, and
- (b) after repairs or adjustments have been made.

(3) The test shall include

- (a) an application of the brakes when the locomotive is moving, and
- (b) a continuous application of the air-brakes for a period of at least ten minutes with the engine stopped,

- Daily examination of diesel locomotive **203.** (1) At least once in every day that a diesel locomotive is used
- (a) it shall be examined by a capable person who shall be appointed for the purpose by the manager in writing, and
 - (b) the flame-proof trap fitted to the exhaust opening of the engine shall be detached and replaced by a flame-proof trap in a clean condition and where necessary the replacement shall be oftener.
- Weekly examination of diesel locomotive is used (2) At least once in every week that a diesel locomotive is used
- (a) it shall be examined by a capable mechanic who shall be appointed for that purpose by the manager in writing, and
 - (b) the mechanic shall ensure that the locomotive is in proper working order and that the flame-proof trap fitted to the inlet opening is kept clean.
- Report of examination **204.** A report of each examination or test required by sections 202 and 203 shall be entered and signed by the person making the examination or test in a book which shall be kept at the mine for that purpose.
- Defect **205.** A locomotive shall not be used if it has a defect that is liable to affect its safe operation.
- Driver shall be trained **206.** The driver of a locomotive shall be trained thoroughly in the operation of the unit.
- Locomotive operating rules **207.** (1) The manager shall determine
- (a) the maximum load to be hauled by each locomotive,
 - (b) the maximum speed of trains on each road, and
 - (c) all such other matters as are necessary to ensure the safe running of trains.
- Posting of rules (2) Wherever special precautions are necessary to ensure safe operations, the manager shall cause to be posted in the roadway a notice approved by the district inspector and setting out the matters determined under subsection (1).
- Overloading **208.** A locomotive shall not be overloaded under any circumstances.
- Exhaust gases **209.** Where a diesel locomotive is used
- (a) the engine shall not be kept running while the locomotive is stationary unless there is a sufficient amount of ventilation passing to dilute, render harmless and remove exhaust gases, and
 - (b) at least once each month a sample of exhaust gas shall be taken from the locomotive and tested for carbon monoxide, and the locomotive shall be deemed to be defective if the undiluted exhaust gas contains more than two parts per thousand of carbon monoxide.

210. A locomotive shall not be operated in a mine at a speed that is not safe. Speed of locomotive

211. On main and tail rope haulages a conspicuous light or reflector shall be shown on the front and rear of each train of cars. Lights on trains

212. When a locomotive in a mine is not in use it shall be housed in a suitable housing station approved by the district inspector and the electrical inspector. Housing locomotive

Trucks

213. (1) All truck roads shall be Truck roads
 (a) maintained in good condition, and
 (b) adequate in width to provide clearance for safe passing of vehicles at passing points.

(2) Where a rear dumping truck discharges its load at a place that is not on level ground, a substantial bumping block or other means shall be provided to prevent the truck backing too far.

214. Truck drivers shall maintain a safe distance between trucks on roads. Distance between trucks

215. (1) In a strip mine where conditions prevent the exchange of signals between a truck driver and the operator of a shovel or dragline, a flagman shall be on duty to give signals. Signals in strip mines

(2) During mechanical loading operations no person shall remain in the cab of a truck unless it is protected by a substantial covering.

PART X

WORKING FACES

Timbering

216. (1) The manager of an underground mine shall prescribe, by notice posted at or near the entrance of the mine, Manager shall prescribe system of props

- (a) the interval at which props, booms or cogs are to be set, and
- (b) the manner in which the props, booms or cogs are to be set.

(2) Where the district inspector considers the system of supporting the roof and sides adopted in a mine unsatisfactory, he may order the manager to fix a lesser distance between props, booms or cogs or otherwise modify the system. Order of inspector respecting props

- (3) The order of the district inspector shall be in writing and shall be delivered personally or by registered mail to the manager.
- Manager may object to order (4) If the manager objects to the reasonableness of the order of the district inspector, he may within ten days after receiving such order send his objection in writing to the Director stating the grounds thereof.
- Arbitration (5) If the manager so objects the matter shall be settled by arbitration.
- (6) The manager shall
- (a) if he does not object, comply with the order of the district inspector, or
- (b) if he does object, comply with the decision made upon arbitration.
- Roof and sides shall be secure **217.** (1) In an underground mine, the roof and sides of each travelling road or working place shall be made secure.
- (2) No person shall travel or work in a travelling road or working place that is not secure, unless he has been appointed for the purpose of, and is, exploring or repairing.
- Timber kept at working place (3) A sufficient supply of suitable timber shall be kept
- (a) in each working place, or
- (b) as near as practicable to each working face and no further away than the nearest cross-cut or other convenient place in the vicinity thereof.
- Removal of props **218.** (1) Where work in an underground mine necessitates the removal of roof supports, temporary props or other supports shall be set so as to secure the safety of the persons employed.
- (2) No props shall be withdrawn until the place is examined by an examiner or overman.
- (3) A safety contrivance shall be used where
- (a) props are withdrawn from the gob, or
- (b) props are withdrawn under a roof that appears to the examiner or overman to be insecure.
- Face supported during undercutting (4) During the operation of undercutting coal, the working face shall be safely supported.
- Worker at face shall set timber **219.** A person working at the face shall
- (a) when he feels that it is necessary for safety, set timbers at a closer interval than required by the system in the mine, or
- (b) if he finds that he has not sufficient timber or other material to make the place safe, withdraw immediately and report it to the manager, overman or examiner.
- Duty of person in charge of place **220.** The person in charge of a place in an underground mine shall ensure that work is done there according to the direction of the manager, overman or examiner.

Strip Mines

- 221.** (1) In a strip mine the sides shall be maintained at a safe angle to prevent danger to persons employed. Sides of strip mine shall be secure
- (2) The persons employed shall be alert for slides or falling material.
- (3) Doubtful or overhanging pieces shall be barred down or otherwise made safe.
- (4) The excavated overburden that is not back filled shall be removed a sufficient distance from the sides to prevent undue pressure on the sides and to prevent material from falling back into the pit.
- (5) Exits shall be provided on the sides at suitable intervals for the safety and convenience of employed persons whose duties require them to enter and leave the pit. Runways

- 222.** (1) In a strip mine, shovels, draglines and tractors shall be provided with efficient warning devices, and when used during darkness, shall be equipped with efficient headlights. Warning devices in draglines, etc.
- (2) No person shall get off or on a dragline or other powered equipment while it is in motion without first notifying the operator.
- (3) Except in the line of duty or with the permission of the manager or foreman, no person shall enter the area in which powered equipment is operating.

- 223.** In a strip mine, the foreman shall Inspection and report of foreman
- (a) inspect all stripping and loading equipment daily, and
 - (b) ensure that such equipment is kept in safe operating condition, and
 - (c) enter a report of each inspection in a book which shall be kept at the mine for that purpose.

Drills

- 224.** (1) A drill operated by mechanical power shall not be used for drilling in rock or stone, unless Use of mechanical drills
- (a) water is fed into the bottom of the hole,
 - (b) a jet or spray of water is directed into or about the hole, or
 - (c) other means approved by the district inspector are used to prevent the issuance of dust from the hole during drilling.
- (2) Where the drilling in stone or rock is intermittent and is in conjunction with coal-getting operations at a working place, the Director may in writing grant an exemption in whole or in part from the provisions of subsection (1).

Miscellaneous

Duties of
person in
charge of
place

- 225.** A person in charge of a working place shall
- (a) before commencing work, satisfy himself that the working place is in a safe condition,
 - (b) inspect the working place carefully at frequent intervals during his shift,
 - (c) set sufficient timber to support the roof and sides of the working place, and remove or renew the timber when necessary and take down all dangerous or doubtful pieces of loose material, and
 - (d) if he finds it impossible to make the working place safe,
 - (i) fence it off,
 - (ii) report it to the manager, overman or examiner, and
 - (iii) remain at the working place until it is made safe or fenced off.

No person
shall work
beyond
hearing

226. No person shall be employed at a working face at such distance from the nearest other employee that his cries cannot be heard, unless he is in communication with another employee at least once every two hours.

PART XI

EXPLOSIVES

Explosives and Shot-firing Devices

Weight of
explosive

227. (1) Where a provision of this Part prescribes a maximum weight of explosives, the weight of the explosives shall be

- (a) the weight shown by the manufacturer on the cartridge containing the explosive, or
- (b) if no such weight is shown, the net weight of the explosive contained in the cartridge.

"permitted
explosive"

(2) In this Part, "permitted explosive" means an explosive named and defined in an order of the Director made under section 228.

Director
shall name
permitted
explosives

228. (1) The Director by order shall name and define what explosives may be used in an underground mine.

(2) An order of the Director under this section may prescribe the manner in which the explosives named are to be packaged and used.

Shot-firing
devices

229. (1) All shot-firing devices shall operate electrically.

(2) The Director may by order prescribe what shot-firing devices may be used in mines or in any type of mines,

(3) Where the Director, by an order under this section, has named the permitted shot-firing devices for a type of mine, no other shot-firing devices shall be used in such a mine.

Director
may name
permitted
shot-firing
devices

230. (1) Where the Director has defined the composition, quality or character of a permitted explosive, an explosive different in composition, quality or character from the definition of the Director by reason of deterioration or otherwise, is not the explosive named and defined.

Permitted
explosive
shall be of a
prescribed
composition

(2) The owner, agent or manager is not responsible for the composition, quality or character of an explosive if he shows that

- (a) he has, in good faith, obtained a written certificate from the maker of the explosive that it complies with the definition of the Director, and
- (b) he has taken reasonable means to prevent deterioration of the explosive while stored.

Storage

231. No explosives shall be stored or kept in an office, washhouse, lamp house, bunk house or building frequented by a person or workman.

No explo-
sives in
certain
buildings

232. (1) Magazines shall be used to store explosives that

Explosives
shall be
stored in
magazines

- (a) have not been issued for use, and
- (b) have not been used and are returned for storage.

(2) Magazines shall be

- (a) constructed of incombustible material or covered with fire-resistant material,
- (b) bullet-proof,
- (c) located
 - (i) at least two hundred feet from any mine opening or vital structure, and
 - (ii) a safe distance from waste dumps,
- (d) provided with
 - (i) suitable danger signs nearby,
 - (ii) proper ventilators effectively screened, and
 - (iii) proper doors kept securely locked when not being used, and
- (e) located on a suitably drained area.

233. A building used only for the daily distribution of explosives shall be

Building for
distribution
of explosives

- (a) located not less than one hundred and fifty feet from any mine opening or vital structure, and
- (b) of a construction approved by the district inspector.

Magazine for
detonators

234. Detonators shall be stored in a separate magazine, which shall be

- (a) constructed of incombustible material or covered with fire-resistant material, and
- (b) located at least one hundred feet from any magazine containing explosives.

Storage of
explosives
in mine
prohibited

235. No explosives shall be stored underground in an underground mine, or in the pit of a strip mine.

Transportation in Mine

Owner or
manager
shall arrange
distribution
of explosives
Explosives
on mantrips
prohibited

236. (1) The owner, agent or manager shall make proper arrangements for the safe transportation and distribution of explosives in the mine.

(2) No person shall carry any explosives on a cage while men are being hoisted or lowered in a shaft or on a mantrip on any slope, level or incline.

Explosives
on electric
train
prohibited

237. No explosives shall be carried on an electric locomotive or on a conveyance moved by an electric locomotive unless it is done with the prior permission in writing of the Director and in compliance with any conditions he may prescribe.

Canister for
explosive
cartridges

238. (1) Except in the case of Cardox shells, explosives shall be taken underground only in cartridges held in a secure case or canister containing only a sufficient quantity of explosives for a working shift in one place.

(2) The case or canister shall be kept closed until immediately before the charging of the shot-hole, and shall be closed immediately after.

Person shall
have only
one canister

(3) No person shall have in his possession at one time more than one case or canister.

(4) If by reason of two or more persons working together, more than one case or canister is in a working place, such cases or canisters shall be kept as far apart as possible.

Explosives
at longwall
face

(5) One or more persons working on a longwall face, or other place where mechanical loading and cutting are carried on, may take into the place a sufficient amount of explosives, not in excess of five pounds for each twenty-five feet in length of the longwall face or place.

Distribution
of Cardox
shells

239. (1) In an underground mine where the Cardox method of breaking down coal is used, the manager may

- (a) authorize the workmen to take into their working places a sufficient supply of primed shells for one day, or
- (b) in writing appoint persons to supervise the transport of primed shells from the charging station to the places where they are required below ground.

(2) Adequate means shall be taken to prevent shells falling from cars or from other means of transportation.

240. In a strip mine, vehicles used in the transportation of explosives or detonators shall be Explosives vehicle in strip mine

- (a) constructed substantially and maintained in good working order, and
- (b) marked with a visible sign reading "DANGER—EXPLOSIVES".

241. The driver of an explosives vehicle in a strip mine shall Duties of driver of explosives vehicle

- (a) exercise great precaution,
- (b) transport only properly packaged explosives, and
- (c) prevent unauthorized persons from riding on a vehicle transporting the explosives.

242. (1) In a strip mine sufficient explosives and detonators in separate operation storage boxes may be taken into the pit to provide a thirty-six hour supply. Storage boxes in strip mine

- (2) The operation storage boxes shall be
 - (a) locked at all times when not in use,
 - (b) placed at least two hundred feet from blasting or any operating unit and twenty-five feet from any track, roadway, travelway or power cable, and
 - (c) marked with a visible sign reading "DANGER—EXPLOSIVES".

Breaking Coal Underground

243. No black powder shall be taken into or used underground unless it is compressed and made up in stick form. Use of black powder

244. (1) No explosives shall be thawed underground. Thawing explosives

(2) When it is necessary to thaw an explosive, the owner shall provide proper thawing apparatus on the surface.

245. No shot shall be fired in the presence of Shot-firing in dangerous atmosphere

- (a) a dangerous percentage of coal dust, or
- (b) an atmosphere containing one and one-half per cent of fire-damp or more.

246. (1) No coal face shall be deemed to be prepared for shot-firing unless it is sufficiently cut or sheared or has an open-end across the whole width that the shot is intended to dislodge. Preparation of face

(2) In an underground mine no shot-hole shall be drilled at a distance of less than six inches from the solid or of less than twelve inches from a hole where a misfired charge is situated. Location of shot-holes

247. (1) In an underground mine each charge of explosive shall be placed in a properly drilled shot-hole. Charging of shot-holes

(2) No explosive shall be forcibly pressed into a hole of insufficient size.

(3) Before charging a shot-hole the shot firer shall examine the hole to ensure that the shot is properly placed and the bore hole well cleaned.

- | | |
|--|---|
| Tamping | 248. (1) In short holes the tamping shall be to the collar and in other holes shall be not less than thirty inches. |
| Material for stemming | (2) The owner of the mine shall provide and cause to be kept at each working place, or as near thereto as practicable, a sufficient supply of clay or other non-flammable substance or material for stemming. |
| | (3) No other material shall be used for stemming. |
| | (4) While charging or stemming no person shall use or have in his possession any iron or steel to be used as a pricker, charger, tamping rod, scraper or stemmer. |
| Unstemming and unramming prohibited | (5) When a hole has been charged the explosive shall not be unstemmed or unrammed except when the shot-firer can wash out that stemming under water pressure. |
| Uniform explosive in shot | 249. Only one class, grade or quality of explosive shall be used in any one shot. |
| Dependent shots prohibited | 250. (1) Not more than one shot shall be tamped or fired in coal at a working place in an underground mine, unless the firing of one shot is not dependent on the firing of another. |
| District inspector may permit simultaneous shots | (2) Notwithstanding subsection (1), the district inspector upon application in writing may when the inclination of the seam exceeds twenty degrees, grant permission in writing to tamp more than one hole before firing. |
| Shot-firing cable | 251. A cable used in shot-firing shall be <ul style="list-style-type: none"> (a) at least sixty feet in length, (b) broken and short-circuited and kept short-circuited at the battery end until ready to attach to the blasting unit, (c) staggered as to length at the detonator end to prevent short-circuiting, and (d) kept away from any track, power wire, pipe line and other possible source of active or stray currents. |
| Duties of shot-firer | 252. The shot-firer shall <ul style="list-style-type: none"> (a) examine the character of the explosive and regulate the quantity of the explosive to be used in the hole, (b) supervise the loading, and (c) before firing a shot <ul style="list-style-type: none"> (i) examine all places within a radius of sixty feet, (ii) ensure that all persons in that place or adjoining places are out of reach of danger from the effect of the shot. |

- (iii) take such precautions as may be necessary to prevent any person inadvertently approaching until the shot is fired,
- (iv) refrain from firing a shot if gas is detected in such quantities as to make it unsafe,
- (v) refrain from firing a shot until it is otherwise safe to do so,
- (vi) ensure that the cables are coupled to the detonator and firing apparatus only by him, and
- (vii) take refuge in a man-hole or other safe place or be at least sixty feet away from the place where the shot is fired.

253. No person other than a shot-firer authorized by the manager or overman shall fire a shot. Shot-firer shall fire shot

254. After a shot has been fired the shot-firer, as soon as practicable, shall Duties of shot-firer

- (a) inspect the place to determine if work can be safely resumed, and
- (b) take any steps that may be necessary to make the place safe before other work is done.

255. When a shot has missed fire, the shot-firer shall Additional duties of shot-firer

- (a) disconnect the battery before any person is permitted to enter the place where the shot has missed, and
- (b) erect a warning board or fence across the whole width of the place before leaving the place unattended.

256. In an underground mine, no shot shall be fired in a place that is dry or dusty, unless Preparation of dry, dusty places

- (a) the place of firing and contiguous and accessible places within sixty feet have been thoroughly watered or given an equivalent treatment in all parts where dust is lodged on the roof, floor or sides, or
- (b) where watering would injure the roof or floor, all dry or dusty roads within one hundred and twenty feet are treated to allay dust, and the explosive is
 - (i) used with water or other contrivance so as to prevent it from inflaming gas or dust, or
 - (ii) is of such nature that it cannot inflame gas or dust.

257. No delay-action fuses shall be used underground for firing shots in coal. Delay-action fuses

258. In books which shall be kept at the mine for the purpose the shot-firer shall make a record of Records kept by shot-firer

- (a) the amount of detonators taken into the mine and the amount returned at the end of his shift,
- (b) the amount of explosives and detonators used in each working place during a shift, and
- (c) each shot that has missed fire.

Manager
shall set
maximum
shots

259. (1) The manager shall set the maximum number of shots that may be fired by each examiner or shot-firer.

(2) A report of the order of the manager made under subsection (1) shall be forwarded to the district inspector for his approval.

Cardox

Director
may permit
Cardox
method

260. (1) Notwithstanding the other provisions of this Part, the Director may grant permission in writing for the breaking down of coal in an underground mine by the method known as "Cardox".

Conditions
governing
Cardox
method

(2) The use of the Cardox method shall be governed by

- (a) the terms and conditions prescribed by the Director,
- (b) the conditions pertaining to its use issued by the manufacturers of the Cardox Process, and
- (c) the provisions of section 261.

(3) The conditions governing the use of the Cardox method shall be observed at all times by the examiner, shot-firer and other persons engaged in handling the Cardox shells.

Use of
Cardox
shells

261. (1) Cardox shells shall be placed in properly drilled and well placed holes.

(2) No shot shall be fired unless all persons are at least one hundred feet from the Cardox shot and out of the direct line of the shot at the time of firing.

(3) The shell shall be fired with an electric battery by a holder of a first class, second class or third class certificate.

Misfire by
Cardox shell

(4) If a Cardox shell misses fire, the person firing the shell

- (a) shall ensure that neither he nor any other person approaches the hole until an interval of at least ten minutes has elapsed,
- (b) shall, before leaving the place, fence off the place and attach a danger board indicating the presence of a misfired shell, and
- (c) shall, before anyone approaches the hole, disconnect the cable and removable handle from the battery and examine connections for defects.

Examiner
may ex-
tract shell

(5) Where a shell misses fire, the examiner or shot-firer may after the expiration of at least ten minutes, extract the misfired shell from the hole.

(6) The examiner or shot-firer recovering the misfired shell shall

- (a) exercise care in recovering the shell, and
- (b) return the shell as soon as possible to the person responsible for the charging of it.

Milli-second Delay-action Firing

262. (1) Notwithstanding the other provisions of this Part, the Director may grant permission in writing for the use of milli-second delay-action detonators in firing shots in coal and for the taking into the mine of sufficient approved explosives for that purpose.

Director
may permit
milli-second
delay-action
detonators

(2) The manager shall submit a written application to the Director for permission to use milli-second delay-action detonators in the firing of shots in coal and the application

Application
to use
milli-second
delay-action
detonators

(a) shall show in detail

- (i) the part of the mine in which the detonators will be used,
- (ii) the direction and the amount of the ventilating current,
- (iii) the percentage of inflammable gas contained in the part of the mine in which the detonators will be used, and
- (iv) such further information as may be required by the Director in considering the application, and

(b) shall give the tentative details regarding

- (i) the dimensions of the coal faces and the nature of the seam,
- (ii) the drilling pattern to be adopted, and
- (iii) the amount and type of powder per shot-hole.

(3) The Director may in writing grant the permission applied for upon such terms or conditions as he may prescribe, or he may refuse the permission.

(4) The Director in his discretion and at any time may by notice in writing cancel any permission granted pursuant to this section, or may vary the terms and conditions prescribed.

(5) The multiple shot-firing device used with milli-second delay-action detonators shall be of a type approved for the purpose by the Director, and the number of detonators fired at one time shall not exceed the rated capacity of the machine.

Multiple
shot-firing
device

(6) The conductors in the shot-firing cable shall be flexible, covered with rubber or equivalent insulation, of not less diameter than number 16 gauge, insulated up to three hundred volts, and at least one hundred feet in length.

Shot-firing
cable

(7) Every galvanometer and shot-firing device in use shall be tested daily by a method approved by the Director, and shall not be used unless found to be in proper working condition.

Shot-firer shall be trained	(8) The shot-firer shall be thoroughly trained in all phases of milli-second multiple blasting methods, and shall be a person who is accepted as competent in the use of such methods by the district inspector after an examination which shall include a practical examination under actual working conditions.
Explosives for multiple blasting	(9) Subject to subsection (5) of section 238, explosives used in milli-second multiple blasting shall be taken into the mine in secure cases or canisters containing not more than twenty-five pounds for each working place at which they are to be used.
Galvano-meter tests	(10) Galvanometer tests shall be made <ul style="list-style-type: none"> (a) to the round of shots at the face before the shot-firing cable is attached, (b) to the shot-firing cable on open-circuit for leakage before connecting to detonators, (c) at the firing point immediately before firing, and (d) at the face after a round is fired if there is any indication of a misfire.
Tests by shot-firer	(11) A place where shots are to be fired shall be treated to allay dust in accordance with section 256, and the shot-firer shall test for inflammable and noxious gases <ul style="list-style-type: none"> (a) immediately before the holes are charged, (b) immediately before the round is fired, and (c) immediately after returning to the face following the firing of shots. (12) Gas detector readings shall be taken by an examiner with an approved detector, in addition to the flame-type safety lamp tests.
Multiple shot firing in dangerous atmosphere prohibited	(13) If a test or reading prescribed by subsection (11) or subsection (12) shows that there is a dangerous amount of inflammable gas or dust in the air, at the face or roadway leading thereto, no shot shall be fired.
	(14) All shots shall be connected in series.
	(15) At the time of firing every person shall take refuge in a place of safety at least one hundred feet from the shots.
Waiting period after multiple shot-firing	(16) No person shall return to the face after shots are fired until the expiration of a waiting period of at least four minutes from the time the shots are fired, and no person shall resume work unless it is found safe to do so.
District inspector may increase waiting period	(17) The district inspector may in his discretion, increase the minimum waiting period prescribed in subsection (16).

Shot-firing in Rock

Explosives for rock work	263. For driving a rock tunnel, or for shot-firing in coal at a time when the ordinary working of the underground mine is not being carried on, one or more persons may, with the consent in writing of the Director, take a sufficient amount of explosives into the mine in secure cases or canisters containing not more than twenty-five pounds in each case or canister.
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264. (1) Subject to the conditions hereinafter set out, the Director may in writing grant permission for the use of non-permitted explosives and of delay-action fuse detonators in driving rock tunnels or other rock work.

Powers of
Director
respecting
rock work

(2) The manager shall make application in writing to the Director for permission under subsection (1) and shall submit

Application
for use of
non-
permitted
explosive

(a) a plan showing in detail

(i) the point at which the work is to commence and the distance, inclination and direction it is expected to drive,

(ii) the direction and amount of ventilating current and any information with respect to auxiliary ventilation for the proposed work,

(iii) the location of all known adjacent seams of coal that it is expected to penetrate,

(iv) the dimensions of the rock work to be driven and the nature of strata to be penetrated, and

(v) such other information as may be required by the Director,

and

(b) a statement of the maximum number of shot-holes to be fired for the completion of a round of shots, and the maximum number to be fired at a time and the kind and amount of explosive to be used for each shot-hole.

(3) In granting permission under this section, the Director may authorize the taking into a mine in secure cases or canisters containing not more than twenty-five pounds in each case or canister of a sufficient amount of non-permitted explosives for each shift in which the explosive is to be used.

Explosives
for rock
work

(4) The manager shall make provision for the safe distribution, transportation and daily return of any unused explosives to the place of storage on the surface.

(5) Shots may be fired by a multiple shot-firing battery of the plunger type.

Multiple
shot-firing
battery

(6) The shot-firing cable shall be at least three hundred feet in length.

Shot-firing
cable

(7) Immediately before a shot is fired, the examiner shall take a gas detector reading with an approved detector, in addition to the flame-type safety lamp test.

Duties of
examiner in
rock work

(8) If the examiner finds one-half of one per cent or more of methane in the air, at the face, or roadway leading to the face,

(a) no shot shall be fired, and

(b) a report of the findings shall be made on the same day to the district inspector.

(9) At the time of firing all persons shall take refuge out of the direct line of the shots and be at least three hundred feet from the shots.

(10) Unless authorized in writing by the district inspector, no non-permitted explosive shall be used within twenty-five feet of a known coal seam.

Dusting coal
penetrated

(11) After a coal seam has been penetrated the coal area shall be rock-dusted.

Strip Mines

Blasting in
strip mine
under
blaster

265. In a strip mine all work in connection with drilling and blasting operations shall be under the direct personal supervision of the blaster.

Proving
holes in
strip mine

266. (1) In a strip mine all holes for blasting shall, before explosives are inserted therein be proved with,

- (a) for small holes, a tamping stick,
- (b) for well-drill holes, a dolly or tamping block, or
- (c) for visual inspection, a mirror or flashlight.

(2) Each hole shall be cleaned properly before a charge is placed therein and water standing in hole shall be bailed out, if possible.

(3) Drill holes that have been sprung and are not cooled, shall be allowed to stand for at least four hours before explosives are loaded.

Loading
holes in
strip mine

(4) The blaster shall be satisfied that a sprung shot-hole is sufficiently cooled before explosives are loaded.

(5) No hole shall be sprung adjacent to any hole loaded in preparation for shot-firing.

Stemming in
strip mine

267. In a strip mine all drill holes shall be stemmed to assure maximum efficiency from explosives.

Blasting
operations

268. In a strip mine, when explosives are being loaded into a shot-hole all persons not required for the blasting operations shall be barred from the vicinity thereof.

Secondary
blasting in
strip mine

269. Where secondary blasting is practised in a strip mine

- (a) block holes shall be used whenever practicable,
- (b) the holes shall be deep enough to accommodate the charge of explosives and sufficient stemming to confine the charge,
- (c) mudcap or adobe charges shall be completely covered with stemming material, and
- (d) two or more charges shall not be used on the same boulder unless the charges are detonated simultaneously.

Primacord
may be used
in strip mine

270. (1) Detonating fuse such as Primacord may be used in a strip mine.

Use of fuse

(2) When priming well-drill holes with detonating fuse, the fuse

- (a) shall be lowered to the bottom of the hole by attaching it to the first cartridge or otherwise,

- (b) shall be cut from the reel which shall be moved away before other explosives are loaded, and
 - (c) shall extend from the hole at least two feet, be drawn taut and made secure at the top of the hole.
 - (3) No splices shall be used in the drill hole. Splices
in fuse
 - (4) Main or trunk line splices shall be factory splices or tight square knots.
 - (5) Main or trunk lines shall be laid out free from kinks or coils, and all connections in the line, other than splices, shall be tight and at right angles.
 - (6) Detonators shall not be attached to the fuse until all else is ready for the firing. Detonator
used with
fuse
 - (7) The detonator shall be attached to the detonating fuse
 - (a) by a connector for that purpose, or
 - (b) by taping or otherwise attaching alongside the fuse with the end of the detonator containing the explosive charge pointed in the direction in which the detonation is to proceed.
- 271.** The blaster Duties of
blaster
- (a) shall retain in his possession the keys to the circuit used in shot-firing during the process of charging holes,
 - (b) shall before shots are fired, ensure that all persons are out of reach of danger from the effects of the shots, and
 - (c) shall ensure that no person but himself couples the shot-firing cable to the detonator wires and to the means of ignition.
- 272.** (1) Where shots are fired in a strip mine, the firing lines and leading lines shall be in good condition and adequate in length to assure the safety of the blaster. Firing lines
- (2) When firing from a power circuit Use of
power circuit
 - (a) fuses of adequate capacity shall be installed in the power line near the master firing switch,
 - (b) the power circuit shall not be grounded,
 - (c) the master switch shall always be used and locked in "open" position at all times, except when firing,
 - (d) in addition to the master switch, one or more safety switches shall be placed in the permanent firing lines, and
 - (e) safety switches shall be short-circuited in the "off" position, but not grounded.
 - (3) Where a blasting machine is used Use of
blasting
machine
 - (a) the blasting machine shall be of a type approved for strip mines,
 - (b) the machine and detachable handle or key shall be kept during the loading, and until the blast has been fired, in the possession of the blaster,

- (c) if the machine has no detachable handle it shall be kept in a locked box until ready to be used, and
- (d) the number of detonators fired at one time shall not exceed the rated capacity of the machine.

Duties of
blaster

273. After the firing of shots, the blaster shall examine the area affected by the blasting and take whatever action is necessary in order that work can be safely resumed.

Daily record
of blaster

274. The blaster shall keep in a book which shall be kept at the mine for that purpose, a daily record showing

- (a) the number of detonators used,
- (b) the amount of explosive used, and
- (c) the number of mis-shots occurring.

Miscellaneous

Owner shall
provide
explosive

275. (1) No explosive shall be taken into or used in a mine except an explosive provided by the owner.

(2) In an anthracite or bituminous coal mine or a mine where explosive gas has been found in dangerous quantities during the preceding twelve months, no explosive other than a permitted explosive shall be used, unless otherwise expressly authorized by the Director.

Explosive
in mine
building

276. No person shall take into or allow to remain in a building at a mine, other than a magazine, any explosive or explosive substance unless authorized to do so by the manager.

Person
appointed
to take
charge of
explosives

277. (1) The owner, agent or manager shall appoint a person to take charge of explosives and put them back into storage when returned for that purpose.

(2) Unless authorized by the manager, foreman, overman or examiner, no person shall have any explosive in his possession at a mine.

(3) If an employee of the mine has any explosives in his possession at the end of his shift, he shall return such explosives to the person appointed to take charge of explosives.

Care
required in
use of
explosives

(4) A person authorized to use explosives at a mine

- (a) shall use the greatest precaution in the care and handling of them, and
- (b) when handling a cartridge, shall
 - (i) place all open lights at least four feet away downdraft,
 - (ii) refrain from having a pipe, cigarette or cigar in his mouth, and
 - (iii) refrain from having an open-flame lamp on his head.

278. Except under the immediate supervision of the manager or overman no mudcap shots or adobe shots shall be fired underground in loose rock or coal.

Shots in
loose rock
or coal

279. (1) The manager shall appoint a person under whose control detonators shall be kept.

Issue of
detonators

(2) A person so appointed may issue detonators to shot-firers, blasters and other persons authorized by the manager in writing.

(3) No person other than such shot-firers, blasters or other persons so authorized shall take a detonator into a mine.

(4) Each shot-firer, blaster or other authorized person shall until they are about to be used, keep all detonators issued to him in a locked box of a pattern approved by the Director.

(5) The authorization of the manager for the issue of detonators to a miner is subject to the permission in writing of the district inspector.

280. No person at a mine except a manager, overman, foreman, shot-firer or blaster shall have in his possession

Possession
of electric
firer or
canister key

(a) an electric firer, or

(b) a key to a case, canister or storage box prescribed by this Part.

281. No person at a mine shall improperly use or apply an explosive, detonator, shell or thawing apparatus.

Improper
use of ex-
plosive, etc.,
prohibited

PART XII

VENTILATION AND GASES

Application of Part

282. This Part applies only to underground mines.

Application
of Part

Adequate Ventilation

283. (1) Adequate ventilation shall be provided constantly in a mine

Adequate
ventilation
required

(a) to dilute and render harmless all noxious or inflammable gases, and

(b) to make fit for working or travelling the working places and the travelling roads.

(2) A mine shall be divided into districts, each containing not more than seventy men at one time.

Districts

(3) Each district shall be supplied with a separate current of fresh air.

Adequate
ventilation
at long-
wall face

284. Where, on a longwall face by reason of the thinness of the seam or other conditions, adequate ventilation would create an excessive velocity or uncomfortable conditions, the supply of air on the face may be less than two hundred cubic feet per minute for each person or animal, if permission in writing setting out another minimum supply is first obtained from the district inspector.

Intake air

285. Intake air shall not travel over or by stagnant water, stables or old workings.

Short-
circuiting
of air

286. In mines using main and counter gangways with chutes passing from the main entry or gangway to the room above, the loader shall keep the coal in the chutes above the bulkhead to prevent any short-circuiting of air.

Alternate
airway

287. Where the sectional area of a roadway or shaft available for the free passage of the air current is reduced by the haulage of mine cars or otherwise, the owner, agent or manager shall provide another airway or shaft to admit the free passage of air.

Notice
where
airway
insufficient

288. (1) Where the district inspector finds

- (a) that the sectional area of an airway is such that the velocity of air required to provide adequate ventilation would raise and keep in suspension an undue amount of dust, or would carry into the workings dust that would be a source of danger, or
- (b) that cars, motors or other appliances passing along an airway materially interfere with the passage of the air current

he may give notice in writing of the condition to the owner, agent or manager.

Report of
inspector

(2) Unless the condition is remedied forthwith the district inspector shall report it to the Director who shall take such steps as he deems necessary to cause the condition to be remedied.

Ventilating Apparatus

Fan
required

289. (1) A fan for the production of ventilation and a proper means for driving the fan shall be provided at each mine.

Fan shall
run when
men in mine

(2) The fan shall be kept in operation at all times when men are in the mine, unless adequate ventilation is maintained by other means.

(3) The machinery, apparatus and devices for providing ventilation shall be kept in good working order and condition at all times.

Auxiliary or
booster fan

290. (1) Each auxiliary or booster fan placed in a mine shall be driven by electricity or compressed air.

(2) Each auxiliary or booster fan underground shall be so placed that there is no re-circulation of return air within the fan.

(3) If an auxiliary or booster fan is electrically driven, the motor shall be placed in the intake airway.

291. Each mechanical contrivance for the production of mine ventilation Reversal of air current

- (a) shall be provided with means of reversing the air current immediately at any time, and
- (b) except in the case of an auxiliary contrivance, shall be placed above ground.

292. (1) No fan or other device providing ventilation for a mine or district shall be stopped without the consent of the manager. Stopping of fan

(2) No fan or auxiliary ventilating device providing ventilation for an advancing place shall be started or stopped without the consent of the examiner of the district.

(3) Where a ventilating fan has been stopped when persons are not in the mine or overnight, it shall be run continuously for at least two hours before any person enters the mine.

293. Where persons have been withdrawn from a mine no person shall be re-admitted to the mine, except for the purpose of examining or repairing, until Procedure on stopping of fan

- (a) the fan is again in operation or other artificial means provide adequate ventilation, and
- (b) the underground workings are examined by a person holding a first class, second class or third class certificate and a report that the workings are safe is made by him in a book which shall be kept at the mine for that purpose.

294. In a mine in which safety lamps are required to be used, no air current shall be reversed while persons are underground, except in the case of emergency. Reversal of air current in certain mines prohibited

Records and Measurements

295. (1) The owner, agent or manager shall keep at the mine office a separate plan which shall be drawn to a scale approved by the Director and shall show Owner or manager shall keep ventilation plan

- (a) the system of ventilation in a mine,
- (b) the direction of the air currents,
- (c) points where the quantity of air is measured, and
- (d) devices for the regulation and distribution of air.

(2) The plan shall be kept up to a date not more than three months previous.

296. (1) The owner, agent or manager shall provide an automatic recording pressure gauge and cause it to be used constantly in connection with each ventilating fan. Automatic recording pressure gauge

Person appointed to observe ventilating pressure	(2) The owner, agent or manager shall appoint a qualified person to observe, from time to time, the ventilating pressure indicated.
Mines where automatic recording pressure gauge not required	(3) Notwithstanding subsection (1), where the mine is ventilated by a fan and not more than ten persons are employed underground a gauge other than an automatic recording pressure gauge may be used.
	(4) This section does not apply in the case of an auxiliary fan that is placed underground and that does not contribute to the general ventilation of the mine or of a district of the mine.
Record of ventilating pressure	(5) Records of ventilating pressures shall <ul style="list-style-type: none"> (a) be kept for a period of at least one year, and (b) have the dates on which they were taken inserted on them.
Overman shall measure quantity of air	297. (1) The overman shall take measurements at least once each week of the quantity of air <ul style="list-style-type: none"> (a) in the main airway as near as practicable to the points at which the air enters and leaves the mine, and (b) in each district <ul style="list-style-type: none"> (i) as near as practicable to the points at which air enters and leaves the district (ii) as near as practicable to the point at which air enters the first working room, and (iii) at such other points as may be directed by the district inspector.
Overman shall record air measured	(2) Upon taking the measurements, the overman shall make in a book which shall be kept at the mine for that purpose a signed entry, which shall record <ul style="list-style-type: none"> (a) each measurement taken, (b) the greatest numbers of men and animals employed in each district on one shift, and (c) the greatest total number of men in the mine on one shift during the preceding week.
Report to district inspector	(3) A copy of the record made pursuant to subsection (2) shall be sent to the district inspector on or before the twelfth day of the next calendar month.
	(4) The person taking air measurements shall immediately thereafter chalk his initials and the date of measurement on the sides or roof of the roadway at or near the point at which the measurements were taken.

Doors and Stoppings

Door attendant or trapper	298. (1) Doors on haulage roads shall have an attendant who shall <ul style="list-style-type: none"> (a) open them for transportation and travel, and (b) prevent them from standing open longer than is necessary for persons, cars or locomotives to pass through.
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(2) Subsection (1) does not apply

- (a) where there is a self-acting door of a description approved by the district inspector, or
- (b) where trips are brought to a full stop at a door to enable the person in charge of a trip to open the door and the district inspector has granted exemption in writing from the requirement of a door attendant.

(3) Where there is an attendant at a ventilating door, a place of refuge shall be provided close to the door at a position approved by the district inspector.

Refuge
for door
attendant

299. A person who has charge of a door shall

- (a) open it only for the passage of persons, animals, locomotives or cars,
- (b) close it instantly when such passage has been made,
- (c) ensure that the door does not remain open and is not propped or fastened back, and
- (d) remain at the door until the work of his shift is finished.

Duties
of door
attendant

300. Where a door is required on a main road, the district inspector may order that two doors be placed and that while one is open the other remain closed.

Door on
main road

301. All doors used in assisting or conducting the ventilation shall be hung and adjusted so that they will close automatically.

Ventilation
doors to
close auto-
matically

302. (1) Stoppings between intake and return airways shall be constructed substantially and in such manner as to prevent undue leakage of air.

Stoppings

(2) The space between the face of the stopping and the roadways shall be kept free of obstructions.

Ventilation in Working Places

303. The air current shall be circulated to and along the face of each working place in the mine in sufficient quantities to dilute, render harmless and sweep away smoke, noxious gases or inflammable gases sufficiently to make the working place and travelling roads safe and fit for work and travel.

Air current
at working
face

304. In fast ends the ventilation shall be conducted to the face of the working of the fast ends by means of brattice, air-pipes or vent-tubes.

Brattice,
air-pipes,
vent

305. Where brattice or air-pipes are used for the ventilation of the working places, the examiner shall ensure that they are kept sufficiently advanced to permit an adequate amount of air reaching the working faces.

Duty of
examiner
respecting
brattice

Cross-cuts

306. (1) Cross-cuts shall be put through between rooms and in entries at intervals of not more than sixty feet unless ventilation is provided by means of fans and vent-tube, air-pipe or brattice.

(2) Not more than one working place and cross-cut in each entry shall be driven beyond the last cross-cut connected with the general ventilation of the mine.

(3) All cross-cuts or break-throughs except the one next or nearest to the face shall be securely stopped off.

Powers of inspector respecting cross-cuts

(4) Upon an application accompanied by a plan of the proposed workings satisfactory to him, the district inspector may in writing grant an exemption from the requirement of cross-cuts herein contained where

- (a) special circumstances arise, or
- (b) the multiple entry system is used.

Gas

Standing gas

307. The removal of standing gas in a mine shall be under the direct personal supervision of a person holding a first class, second class or third class certificate.

Brushing out gas prohibited

308. No person shall brush out or waft gas from a working place.

Gas in old workings

309. (1) The parts of a mine no longer being worked shall, so far as is practicable, be kept free of dangerous gases.

(2) Where it is found impracticable to keep the entire mine free from an accumulation of gases, the district inspector shall be notified immediately.

Finding of gas

310. When inflammable gas is found in a mine in which safety lamps are not required, the owner, agent or manager shall notify the Director and the district inspector forthwith by the most expeditious means available.

Report of dangerous gas

311. (1) A person who finds fire-damp or any other noxious gas in dangerous quantities in a mine shall report such gas immediately to the manager, overman or examiner before leaving the mine.

(2) The manager, overman or examiner to whom the report is made shall immediately in the presence of the person reporting, make a record of the report in a book which shall be kept at the mine for that purpose.

Gas Where Diesel Locomotive Used

Test for gas in diesel locomotive road

312. (1) In each road where a diesel locomotive is operated the quantity of air passing and the percentage of inflammable gas present in the general body of the air shall be determined

- (a) at each end of the road, and
 - (b) at such intermediate points as the manager or district inspector may specify,
- except on the part of a main intake airway that begins at a shaft or outlet to the surface and is more than three hundred yards from a face.

(2) The test required by subsection (1) shall be made at least once each week and in addition whenever any alteration is made in the quantity of air circulating.

Frequency
of test

(3) Where the percentage of inflammable gas present is found to exceed three-quarters of one per cent

Further test
where gas
is found

- (a) the manager shall in writing appoint a person to make further tests,
- (b) the person appointed to make further tests shall make further determinations at times when the percentage of inflammable gas is likely to be greatest and at intervals not exceeding twenty-four hours for so long as the percentage continues to exceed three-quarters of one per cent and for at least six working days thereafter, and
- (c) a written report of the tests shall be made to the manager and by the manager to the district inspector within seven days.

(4) If the percentage of inflammable gas present is found to exceed one per cent

- (a) the use of the diesel locomotive shall be discontinued forthwith,
- (b) a report of the test shall be made to the manager and by the manager to the district inspector immediately,
- (c) the use of the diesel locomotive shall be resumed only after
 - (i) steps have been taken to improve ventilation,
 - (ii) it has been ascertained that the percentage of inflammable gas present does not exceed one per cent,
 - (iii) the district inspector approves the resumption, and
 - (iv) the manager instructs the resumption.

(5) The owner, agent or manager shall report without delay to the Director any instance in which the use of a diesel locomotive is discontinued because of the presence of inflammable gas.

Report of
discontinu-
ance of
diesel
locomotive

Inspections for Gas

313. (1) Within four hours before the time each shift commences work an examiner shall with a locked flame-type safety lamp or other approved gas testing device inspect the part of a mine being or intended to be worked and the roadways leading thereto.

Examiner
shall inspect
for gas be-
fore shift

(2) The examiner making the inspection shall

- (a) report to the manager or overman on the condition of the part of the mine and roadways inspected as far as safety and ventilation are concerned, and
 - (b) enter and sign a true report of the inspection in a book which shall be kept at the mine for that purpose.
- (3) A copy of the report shall be posted immediately in a conspicuous place at the mine.
- (4) No person shall go to work until a copy of the report, stating that the part of the mine in which he will work and the roadways leading thereto are safe, has been posted.

Stations **314.** One or more stations shall be appointed at the entrance to the mine and, subject to the consent in writing of the district inspector, at such underground points as the case requires, beyond which no workmen shall pass until the part of a mine beyond the stations has been inspected and reported safe.

Examiner shall inspect for gas during shifts **315.** (1) At least twice during each eight-hour shift, an examiner shall make an inspection similar to that made before the shift commences work, of all parts of the mine in which the shift is employed.

(2) The first inspection required by this section shall be made during the first half of the shift, and the second inspection during the last half of the shift and at least one hour after the first inspection.

(3) If inflammable gas has not been found in the mine during the preceding twelve months, a flame-type safety lamp or other approved testing device need not be used for inspections under this section.

Use of open-flame lamp during gas tests prohibited **316.** An examiner, when making an inspection with a locked flame-type safety lamp or other approved gas testing device, shall not use or carry an open-flame lamp or any device for striking an open light.

Barometer and thermometer **317.** (1) A barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to a mine in which inflammable gas has been found in the preceding twelve months.

Readings (2) Each day before making the first inspection of parts of a mine being worked and roadways, the examiner shall

- (a) take barometer and thermometer readings, and
- (b) record the readings in a book which shall be kept in the mine for that purpose.

Gas detector readings **318.** (1) In a mine in which inflammable gas has been found in the preceding twelve months, unless exemption has been granted by the Director, a capable person shall with a gas detector of a type approved by the Director take gas detector readings or observations daily in the return airways of each district at a point not more than one hundred

feet from the last working place in the district, but the readings or observations need not be made

- (a) on Sunday, idle days or holidays, or
- (b) in districts where no coal is being mined and not more than ten men are employed.

(2) A person making gas detector readings or observations shall enter and sign a record of the readings in a book which shall be kept at the mine for that purpose.

Record of
gas detector
readings

319. In each mine an examiner

Inspection of
airways

- (a) shall at least once in every twenty-four hours inspect all airways being worked or intended to be worked,
- (b) upon becoming aware of anything requiring attention, shall report it to the manager or overman, and
- (c) shall immediately enter a report of each inspection in the daily report book.

320. (1) If at any time the person for the time being in charge of a mine or a part thereof finds that by reason of noxious gases or otherwise the mine or part thereof is dangerous, every workman shall be withdrawn immediately from the mine or part so found dangerous.

Workmen
shall be
withdrawn
from danger
from gas

(2) The person for the time being in charge of the mine or part thereof shall

- (a) if the danger arises from inflammable gas, inspect the mine with a locked flame-type safety lamp,
- (b) report the condition of the mine or part thereof, and
- (c) record and sign the report of the condition in a book which shall be kept at the mine for that purpose.

(3) Except for the purpose of determining or removing the cause of danger or for exploration, no person shall be re-admitted to the mine or part thereof that has been found dangerous until a copy of the report of the person in charge of the mine or part thereof has been posted stating that the mine or part thereof is not dangerous.

(4) For the purpose of this section, a part of a mine shall be deemed to be in a dangerous condition if the amount of inflammable gas in the general body of the air is two and one-half per cent or more.

Percentage
of gas
deemed
dangerous

321. (1) Where the district inspector is of the opinion that because of gas given off or dust created or for another reason it is unsafe for two shifts in close succession to work the rooms, entries or faces, he may require such interval as he thinks necessary between the finishing of work by one shift and the beginning of work by the next shift in the rooms, entries or faces.

Inspector
may require
interval be-
tween shifts

(2) The inspector shall give notice in writing to the owner, agent or manager of the interval required between shifts.

Prevention
of accumula-
tion of gas

322. (1) Every precaution shall be taken to prevent the accumulation of noxious or inflammable gas in any working place or roadway.

(2) When any such gas is found, safe and effective means shall be taken to remove it as soon as possible.

PART XIII

SAFETY LAMPS

Application of Part

Application
of Part

323. This Part applies only to underground mines.

Approved Safety Lamps

Director
shall approve
safety lamps

324. (1) The Director shall by order in writing approve safety lamps which may be used in a mine where a safety lamp is required.

(2) Where a safety lamp is required no person shall use a lamp of a type or pattern that has not been approved by the Director.

Where
safety lamp
required

325. No lamp other than a locked approved safety lamp shall be used underground

- (a) if inflammable gas has been or is likely to be found in the mine, unless the Director by order in writing otherwise permits, or
- (b) if the Director by notice in writing prohibits the use of a lamp or light other than an approved safety lamp.

Use of
safety
lamp

326. The owner, agent or manager shall not permit a light other than an approved safety lamp to be used

- (a) in a new mine being opened up in a district, area or seam where gas has been found previously,
- (b) in a working approaching a place in a mine where there is likely to be an accumulation of inflammable gas, or
- (c) in a place in a mine where there is likely to be such quantity of inflammable gas as to render the use of naked lights dangerous.

Naked lights
prohibited

327. When safety lamps are required under section 325 or section 326 in any part of a mine, no naked lights shall be used in another part of the mine.

Lampman

328. The owner, agent or manager of a mine in which safety lamps are at any time used shall appoint in writing one or more lampmen to ensure that the lamps are properly cleaned, put together and in good order before being given out to the workmen.

Owner or
manager
shall appoint
lampmen

329. The lampman shall

Duties of
lampman

- (a) ensure that each safety lamp given out for use is thoroughly cleaned, put together properly, in safe working order and securely locked,
- (b) ensure that no safety lamp gauze is used with less than twenty-eight parallel wires to the inch with equal spaces between,
- (c) permit no person to be in the lamp house except on business,
- (d) ensure that all oil, gasoline, naphtha, spirits or other inflammable materials in the lamp house are carefully and properly stored and used, and that no greasy waste or other refuse accumulates in or about the lamp house,
- (e) keep the lamp house neat and clean and all appliances in proper working order, and
- (f) when he receives a defective or damaged lamp
 - (i) report it to the manager or overman, and
 - (ii) keep it in the state in which it was received until inspected by the manager or overman.

330. (1) No person except one authorized by the manager or overman shall take a safety lamp from the lamp house or give one out for use in the mine.

Unauthor-
ized issue
of lamps
prohibited

(2) A daily record of the names or number of all persons to whom safety lamps are given out and of the return of each lamp shall be made in a book, which shall be kept at the mine for that purpose.

Record
of lamps

Inspection of Safety Lamps

331. (1) Where safety lamps are required, each lamp, before it is taken into the workings, shall be inspected

Inspection
of lamp
before use

- (a) in the case of a flame-type lamp, by a person who is the holder of a first class, second class or third class certificate, and
- (b) in the case of an electric safety lamp, by a person who is the holder of a first class, second class or third class certificate, or by a mine electrician or lampman,

to ascertain if it is safe and securely locked.

(2) No safety lamp shall be used until it has been inspected in accordance with subsection (1) and found safe and securely locked.

(3) The lamp shall not be unlocked without authority from the owner, agent or manager.

Unlocking
of lamp
prohibited

Inspection
of lamp
by user

332. (1) Each person receiving a safety lamp shall inspect it to see that it is securely locked.

(2) Each person having a safety lamp in his possession

(a) shall pay frequent attention to the condition of the lamp,

(b) if he finds

(i) oil spilled on the gauze or glass,

(ii) the gauze punctured so as to enlarge a hole,

(iii) the glass cracked,

(iv) the lamp has become unsafe from fire-damp, or

(v) the lamp has become unsafe from any other cause,

shall extinguish the light by drawing the wick within the tube, and

(c) upon extinguishing a lamp in accordance with clause (b) shall take it to the overman, examiner or lampman.

Inspection
on return
of lamp

333. (1) A person appointed for the purpose shall receive and examine each safety lamp returned to the lamp house.

(2) If upon examination a lamp is found to be damaged, the damage shall be deemed to have been due to the neglect or fault of the person to whom the lamp was given out unless he shows that the damage was not due to his fault.

Miscellaneous

Return
of lamp

334. Each person receiving a safety lamp before going on shift shall return it personally at the end of the shift to the lamp house.

Report of
damaged
lamp

335. If the lamp is damaged the person to whom the lamp was given out shall immediately notify the manager, overman, examiner or other person in authority.

Lighting
of lamp

336. (1) A safety lamp shall not be lighted below ground except by a person who is the holder of a first class, second class or third class certificate, or by a person appointed by the manager and approved of in writing by the district inspector.

(2) A safety lamp shall not be lighted until it has been examined thoroughly and found to be in safe condition and good working order.

(3) No person other than one referred to in subsection (1) shall have in his possession in a mine a key or other contrivance for re-lighting a safety lamp.

Misuse
of lamp
prohibited

337. No person shall

(a) improperly use or damage a safety lamp, or

(b) blow out or attempt to blow out a flame in a safety lamp below ground.

338. A person having a safety lamp shall place it on its bottom Placing of lamp on bottom

- (a) only when necessary to do so for the safe performance of his work, and
- (b) at least two feet from the swing of a tool.

339. No person shall have in his possession in a mine in which safety lamps are required any key or contrivance for unlocking a safety lamp unless he is Possession of lamp key

- (a) the holder of a first class, second class or third class certificate,
- (b) authorized to do so by the manager or overman in writing, or
- (c) a person appointed by the manager and approved by the district inspector to light safety lamps underground.

340. No person shall have in his possession in any part of a mine in which safety lamps are required to be used any match or apparatus for making a light, any tobacco pipe or any tobacco for smoking in any form. Tobacco prohibited where safety lamp used

341. (1) The owner, agent or manager of a mine in which safety lamps are required shall appoint one or more persons to make inspections for articles that this Part prohibits having in a mine. Search for prohibited articles

(2) The persons appointed under subsection (1) shall search for prohibited articles

- (a) any person newly engaged at the mine before that person begins his first shift, and
- (b) any persons at any time when so directed by the manager or the district inspector.

(3) The persons appointed under subsection (1) shall before searching workmen for matches, pipes or tobacco, submit themselves to search by an official appointed by the manager.

342. (1) Containers or drums for carbide used in lamps shall be Carbide drums

- (a) stored in a dry place, and
- (b) kept covered except when carbide is being removed.

(2) Each person opening a carbide container or drum shall

- (a) use the greatest precaution,
- (b) ensure that he does not have an open-flame lamp on his head,
- (c) ensure that there is no pipe, cigar or cigarette in his mouth, and
- (d) keep all open lights at least four feet away from the container.

Application
of Part

- 343.** The provisions of this Part do not prevent
- (a) the use of a safety lamp provided with a re-lighting apparatus within the tube thereof of a pattern approved by the Director, or
 - (b) the use of any shot-igniter, electrical firer or other shot-firing appliance of a pattern approved by the Director.

PART XIV

PRECAUTIONS AGAINST COAL DUST

Application of Part

Application
of Part

- 344.** (1) This Part applies only to underground mines.
(2) The district inspector may in writing exempt any mine or part of a mine from the application of this Part.

Where Dusting Required

"road"

- 345.** In this Part, "road"
- (a) includes any part of a mine to within thirty feet of the coal face,
 - (b) does not include offices, stables, or engine, motor, transformer or pump rooms.

Dusting
required

- 346.** (1) The floor, roof and sides of each road or part of a road that is accessible shall be treated with incombustible dust in such manner and at such intervals of time as will ensure that the dust on the floor, roof and sides will always contain not less than sixty-five per cent of incombustible matter, unless
- (a) the dust mixture on the floor, sides, timbers and roof of the road contains at least thirty per cent of water, or
 - (b) tests made in accordance with this Part show that the floor, roof and sides of a road in their natural condition contain sufficient incombustible matter to comply with the requirements of this Part.
- (2) Where methane is present in the ventilating current the minimum amount of sixty-five per cent of incombustible matter prescribed by subsection (1) shall be increased by one per cent for each one-tenth of one per cent of methane in the air.

Zones

Zones

- 347.** (1) For the purposes of this Part each mine shall be divided into zones in a manner satisfactory to the Director.

Plan of
zones

- (2) A plan shall be kept at the mine office showing the number and location of the zones.

(3) A copy of the plan shall be sent to the district inspector.

(4) When a new zone is added notice shall be sent to the district inspector setting out the location, length and number of each new zone.

Sampling

348. Dust shall be sampled at one or more representative places in each zone, Frequency of sampling of dust

(a) during each calendar month, and

(b) whenever by visual inspection, the dust in a stretch or zone of entry one hundred feet or more in length appears to contain sufficient coal dust to make the incombustible content of all dust in the zone less than sixty-five per cent.

349. (1) The district inspector may collect check samples when he deems fit. Inspector may sample dust

(2) The district inspector may be accompanied by an official of the mine and may be assisted by the official in determining the representative place in each zone at which samples will be collected.

350. (1) In sampling dust, separate samples shall be taken and analyzed from the floor of the road and from the roof and sides of the road. Method of sampling of dust

(2) The sample from the floor shall be taken by a scoop or other means in a groove six inches wide, from rib to rib in the loose, fine material.

(3) The sample from the roof and sides shall be brushed in a six-inch strip from the ribs and roof, and where the entry has timber sets, from the top of one collar and six inches wide from any lagging.

(4) Each separate sample shall be weighed to determine the approximate amount of dust per lineal six inches. Weighing of dust

(5) Each separate sample shall be gathered on canvas or oilcloth and the representative portions for analysis shall be obtained by passing through a twenty-eight mesh sieve.

(6) The percentage of incombustible matter in each sample shall be determined by the volumeter or by chemical analysis. Analysis of dust

351. (1) A report of each test shall Report of sampling of dust

(a) be recorded in a book which shall be kept at the mine for that purpose, and

(b) show the zone and location in the zone at which each sample was taken.

(2) Copies of the report shall be

(a) posted at the mine, and

(b) forwarded to the district inspector on or before the twelfth day of the next calendar month.

Dusting

- 352.** Before a part of a road is dusted for the first time with incombustible dust, it shall be cleaned as thoroughly as possible of all combustible dust.
- 353.** The incombustible dust used for the purpose of this Part shall
- (a) pass through a sieve of twenty-eight mesh to the lineal inch, and
 - (b) contain not less than fifty per cent by weight of fine material, capable when dry of passing through a sieve of two hundred mesh to the lineal inch.
- 354.** No dust of a kind which may be prohibited by the Minister on the ground
- (a) that it would not be effective, or
 - (b) that it would be injurious to the health of persons working in the mine,
- shall be used for the purpose of this Part.

PART XV**MISCELLANEOUS SAFETY PROVISIONS****Barrier Pillars**

- 355.** (1) The owners or operators of adjoining coal properties shall each leave or cause to be left, in each seam along the boundary line common to the adjoining properties a pillar of coal of such width that, together with the pillar to be left by the adjoining property owner or operator, it will be a sufficient barrier to ensure the safety of the employees in either mine in case a mine on the other property is abandoned or allowed to fill with water.
- (2) The width of the pillar shall be determined by the Director in consultation with the representatives of the owners or operators.
- (3) No mining or other working shall be done in the barrier pillar.
- (4) The surveyor of a coal property may, with the consent of the Director, enter a mine on an adjoining property to survey the position of the workings of that mine along the barrier pillar.
- (5) Plans of the survey of the faces of the workings along the barrier pillar shall
- (a) be prepared within sixty days of the extraction of coal adjoining the barrier pillar, and
 - (b) be filed immediately with the owner of the adjoining property, with the Director and with the district inspector.
- 356.** (1) No coal shall be mined within three hundred feet of a borehole drilled or being drilled for petroleum, natural gas or other minerals or within such other distance as the Director may prescribe in a particular case.
- (2) Where the workings of a mine approach within two thousand feet of a borehole, the owner, agent or manager

- (a) shall keep at the mine office a plan of the mine, which shall be on the scale prescribed by section 123 and which shall show the position of the workings of the mine in relation to the borehole, and the projected workings,
- (b) shall forward to the Director
 - (i) as soon as the workings approach within two thousand feet of the borehole, a copy of the plan, and
 - (ii) when any amendments, additions or extensions are made to the plan, a copy of such amendments, additions or extensions,
 and
- (c) shall comply with the requirements of the Director relating to the safety of the workers in the mine and of the mine.

Accumulations of Water, etc.

Workings
approaching
water or gas

357. (1) When a working approaches within one hundred and twenty feet of

- (a) any place that is likely to contain a dangerous accumulation of water or gas, or
- (b) any disused workings that have not been examined and found free from accumulations of water or gas

the working approaching such place or disused workings shall not exceed eight feet in width or height or such greater width as may be permitted by the Director.

(2) At least one borehole near the centre of the working face and sufficient flank boreholes on each side at intervals of not more than fifteen feet shall be kept constantly at a sufficient distance, of not less than fifteen feet, in advance.

Advance
bore-holes

(3) If a working is approaching an overlaying accumulation of water, the district inspector, after consultation with the manager and the engineer of the owner, may require that solid pillars be left in or that water be removed from the area.

Inspector
may require
solid pillars

(4) A requirement of a district inspector under subsection (3) shall be complied with.

358. (1) No water shall be allowed to accumulate in a strip mine.

Water in
strip mine

(2) Notwithstanding subsection (1), if the Director is satisfied that it is in the public interest to do so he may upon application permit the accumulation of water in a particular case upon such terms and conditions as he may prescribe.

Combined Operations

359. (1) Where combined operations are carried on, ditches of adequate capacity together with such other works as are necessary shall be provided to ensure that water will be prevented from entering the strip mine from adjacent land under any conditions.

Ditches
about
combined
operations

(2) The relative position of such ditches or other works to the edge of the strip pit shall meet with the approval of the district inspector.

Foreman
shall inspect
ditches

(3) The foreman shall make at least two complete inspections during the shift, one in the first half of the shift and another in the last half of the shift, of all ditches and areas at which water might enter the mine, and shall enter a report of such inspections in a book which shall be kept at the mine for that purpose.

Procedure
where
danger
exists at
combined
operations

(4) If, during an inspection or at any other time, a condition exists that might cause or tend to cause a danger to any person employed either on the surface or underground,

(a) the foreman shall immediately

(i) withdraw to a place of safety all persons who are under his charge, and

(ii) report the condition by the quickest method to the person for the time being in charge of operations underground,

(b) the person in charge of operations underground, upon receiving the report of the foreman, shall immediately withdraw to a place of safety, all persons under his charge, and

(c) except when necessary for inquiry into the cause of danger, or for the removal thereof or for exploration no person shall be re-admitted to the mine or such part thereof as is dangerous until a competent person

(i) has made a further complete inspection and has found that the dangerous condition no longer exists, and

(ii) has entered and signed a report of such inspection in a book which shall be kept at the mine for that purpose, and a copy of the report stating that the mine, or part thereof, is not dangerous has been posted in a conspicuous place at the mine.

Patrol of
ditches

(5) During any time of abnormal weather or other conditions the management of the mine shall cause a continuous patrol of the ditches and other works to be made as long as the abnormal conditions remain.

Precautions Regarding Machinery and Installations

Gears shall
be cased

Machinery
shall be
fenced

360. (1) All gears shall be kept securely cased or guarded.

(2) Each fly-wheel and all exposed and dangerous parts of machinery shall be kept securely fenced for the prevention of accidents.

(3) Where any case, guard, fencing or protective device has been removed for making repairs or other purposes, it shall be replaced before any operation of the machinery has been resumed.

361. All sides of stairs, trestles and platforms in or about a mine shall be provided with safe hand and guard railings to prevent persons falling over the sides. Guard railings

362. (1) All escape ways, shafts, slopes, levels and all ladders, stairs and like installations therein shall be kept free from accumulations of ice and obstructions of every kind. Shafts, etc., shall be free of ice

(2) Proper precautions shall be taken to prevent ice from accumulating in wet shafts, inclines or levels. Prevention of icing

(3) All surface or other water shall be conducted by rings or other means to receptacles so as to keep stairways reasonably free from water.

363. (1) A qualified person appointed by the manager for that purpose shall at least once in each twenty-four hours inspect the external parts of all machinery, headgear, ropes and chains in actual use. Inspection of machinery

- (2) The person making the inspection shall without delay Report
- (a) enter and sign a true report of the inspection in a book which shall be kept at the mine for that purpose, and
 - (b) post a copy or duplicate of the report at the mine.

364. (1) A qualified person appointed by the manager for the purpose shall at least once in each week inspect the shafts and the guides or conductors therein by which persons are lowered or raised. Inspection of shafts

- (2) The person making the inspection shall without delay Report
- (a) enter and sign a true report of the inspection in a book which shall be kept at the mine for that purpose, and
 - (b) post a copy or duplicate of the report at the mine.

- 365.** When any person discovers Danger shall be reported
- (a) a stoppage or disarrangement of ventilation,
 - (b) damage to any air-crossing, cloth, door, stopping, brattice or air-pipe,
 - (c) any obstruction in an air course,
 - (d) weakness in a roof,
 - (e) deficiency of timber weight or creeping of roof in any working place or roadway,
 - (f) an accumulation of gas or water, or
 - (g) any other danger

he shall immediately give notice to each person exposed to danger and to the manager, overman or examiner.

366. If the examiner finds that any rope, chain, signal, brake, McGinty wheel and posts or other apparatus is in an unsafe condition he shall Examiner shall stop use of unsafe apparatus

- (a) stop the use thereof, and
- (b) report the condition in a book which shall be kept at the mine for that purpose.

Damage to
installations
prohibited

367. No person shall wilfully or without proper authority damage, interfere with, impede the working of, remove or render useless any fence, fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder platform, steam gauge, water gauge, safety valve, notice, timber, door, air-course, brattice, stopping or other appliance or installation in a mine.

Doors should
be shut

368. No person shall without proper authority leave open any door that he found shut.

Persons in a Mine

Unauthor-
ized presence
in mine
prohibited

369. (1) No person shall without lawful authority enter a mine or a mine building without first having obtained permission from the owner, agent, manager, overman, foreman or outside foreman.

(2) No person shall enter or remain in any place in a mine where he is not required by duty to be.

Employees
under man-
ager, etc.

370. (1) All persons employed at a mine are subject generally to the control of the manager, overman, foreman, examiner and any other properly appointed person.

Obedience
to orders

(2) Each person at a mine shall obey the lawful demands or orders of the person under whose charge he is.

Delegation
of work
or absence
prohibited

371. No person occupying a position of trust at a mine shall

- (a) delegate his work to another person without the sanction of the person under whose charge he is, or
- (b) absent himself from duty without a legitimate cause or without the prior permission of the person under whose charge he is.

Contraven-
tion shall be
reported

372. When a person becomes aware of any contravention of this Act or the regulations, he shall report it as soon as possible to the manager, overman, examiner, outside foreman or foreman.

No person
shall pass
fence or dan-
ger signal

373. No person shall, unless authorized to do so by the manager, overman, examiner or foreman, pass beyond any fence or danger signal.

Intoxica-
tion

374. No person in a state of intoxication shall enter, remain or be allowed to remain in or about a mine.

Act causing
danger
prohibited

375. No person at a mine shall wilfully and knowingly commit an act likely to cause danger to the mine or to himself or any other person.

376. No person shall sleep in or about a mine.

Sleeping
prohibited

Fire Precautions

377. (1) The owner or agent shall provide and maintain in good condition at the mine, efficient means of protection against fire

Owner shall
provide fire
protection

- (a) at the main entrance to each hoisting shaft, slope or permanent escapeway,
- (b) at each hoist room or ventilating fan of which the housing and drift are not of fire-proof construction, and
- (c) at the bottom of each hoisting shaft.

(2) The means of fire protection required by subsection (1) shall consist of

Means of
fire
protection

- (a) sufficient chemical extinguishers of a type approved by the Director, or
- (b) suitable fire hose of at least one and one-half inch internal diameter, with suitable hose connections and nozzles, and pipe lines of not less than two-inch internal diameter to convey water from an adequate supply at a pressure of not less than twenty-five pounds per square inch.

378. Adequate means of extinguishing fire shall be provided

Where
means of ex-
tinguishing
fire
required

- (a) wherever grease or other inflammable material is stored,
- (b) at the bottom of shafts and haulage slopes, and
- (c) at every pit head, engine room, boiler house or motor room in the construction of which timber is used.

379. (1) No oil, grease, canvas or other inflammable material shall be stored in a mine except in a fire-proof receptacle or chamber.

Inflammable
materials

(2) No paper or material of a kind likely to cause fire shall be permitted to accumulate in the working part of a mine.

(3) No inflammable material likely to cause danger from fire to persons employed in a mine, shall be used in the construction of an engine room, motor room or room in which machinery is used.

(4) No tarred building paper or paper of any kind shall be used for brattice or purposes of ventilation but tarred building paper may be used to interline doors and stoppings.

(5) In places where shots are fired brattice cloth shall be fire-resistant.

380. (1) No fire shall be used for any purpose below ground.

Use of
fire below
ground

(2) Notwithstanding subsection (1), the district inspector may grant permission in writing to do emergency welding and cutting by electricity or flame, if such work is done

- (a) in fresh intake air,
- (b) at a location free from inflammable material, and
- (c) subject to such other conditions as the district inspector may prescribe.

Gasoline or
internal
combustion
engines

381. An internal combustion engine shall not be used underground unless its use is authorized by the Director in writing and it is used in accordance with such terms as he may prescribe.

Filling
station

382. No person shall, in or within thirty feet of a filling station whether above or below ground,

- (a) use a light or lamp other than a locked flame-type safety lamp or an adequately protected electric lamp,
- (b) use any means for igniting inflammable gas, or
- (c) smoke.

First Aid and Hospital Facilities

Ambulance
and first aid
supplies

383. (1) Properly constructed ambulances or stretchers and splints, bandages, blankets and sufficient medical and other first aid supplies shall be kept at each mine ready for immediate use in case of accident.

(2) The bandages, blankets, medical and other supplies shall be

- (a) kept in a damp-proof container, and
- (b) maintained at all times in a clean, sanitary condition.

Owner or
manager
shall furnish
first aid kits

384. (1) Where more than ten men are ordinarily employed in a mine the owner, agent or manager of the mine shall furnish first aid pocket kits and the necessary supplies to keep them replenished.

Persons
required to
carry first
aid kits

(2) Each overman, examiner, driver boss or foreman of such mine shall

- (a) carry a first aid pocket kit while on duty, and
- (b) report to the manager when fresh supplies for the kit are required.

First aid
stations

(3) Where first aid stations established in a mine are in the opinion of the district inspector, adequate to meet the requirements for supplying first aid, he may on the application of the manager grant exemption in writing from the provisions of subsections (1) and (2).

Owner or
manager
shall main-
tain beds
for injured

385. The owner, agent or manager shall provide and maintain at each mine in a convenient place at least two beds properly furnished and suitable for the temporary use of persons injured at the mine, unless

- (a) there is a hospital at or within five miles of the mine,
- (b) there is a suitable ambulance properly maintained and available at all times, or
- (c) unless exemption has been granted by the Director in writing.

386. The Lieutenant Governor in Council may from time to time Mine rescue facilities

- (a) make arrangements for the installation and operation of mine rescue stations and cars, or
- (b) determine what is sufficient accommodation for the purposes of section 385, and make regulations in regard thereto and for the provision for emergency hospitals by the owner, agent or manager of a mine.

Miscellaneous

387. (1) Where in the opinion of the district inspector, the number of accidents in a mine is excessive, and the accidents are of such nature that they could have been largely prevented by the adoption of hard hats or other forms of protection the district inspector by order may Inspector may require protective clothing

- (a) require the owner, agent or manager of the mine to make available for the workmen any form of protection the district inspector considers necessary, and
- (b) require the workmen to use protective clothing at such times and under such circumstances as he may provide.

(2) Where the average height of a seam of coal being worked in a mine is less than three and one-half feet, the owner, agent or manager of the mine shall furnish free of charge a pair of suitable knee caps or guards to each workman who by reason of the height of seam is required to work on his knees, and shall furnish new knee caps and guards as often as replacement is necessary due to ordinary wear and tear. Knee caps or guards

(3) Each workman furnished with knee caps and guards pursuant to subsection (2) shall use them while working on his knees.

(4) If dispute arises as to the applicability of any provision of this section to a mine, the decision of the Director is final.

388. (1) The foreman of a strip mine shall erect or cause to be erected, portable fences or barricades to prevent persons or machinery from inadvertently approaching any dangerous workings. Foreman shall fence dangerous workings

(2) No person shall pass such a fence or barricade without permission from the manager or foreman. No person shall pass barricade

Danger signs
on stripped
road

389. Where stripping has been done through a public road danger signs shall be posted or barricades erected at proper locations to prevent accidents.

PART XVI

PROVISIONS OF GENERAL APPLICATION

Arbitration

Director
shall refer
dispute

390. (1) Where this Act requires that any matter or dispute be settled by arbitration, the Director shall refer the matter or dispute to an arbitration board appointed in accordance with clauses (a) and (b).

Arbitration
board

(2) The arbitration board shall consist of

- (a) one person appointed by the Director,
- (b) one person appointed by the owner, agent or manager who is a party to the matter or dispute, and
- (c) one person appointed by the persons appointed in accordance with clause (a) and (b).

Chairman of
arbitration
board

(3) The person appointed under clause (c) of subsection (2) shall be the chairman of the arbitration board.

Arbitrator
appointed
by judge

(4) If either party fails to appoint an arbitrator or if the two arbitrators appointed by the parties fail to agree on a third arbitrator, either party to the matter or dispute may apply to a judge of the District Court in the judicial district in which the mine is situated, who shall appoint an arbitrator.

Duties of
chairman

(5) The chairman of the arbitration board shall

- (a) fix the time and place for the sitting of the board, and
- (b) give to the interested parties in writing five days' notice of the time and place at which the board will sit for the purpose of hearing and deciding the matter or dispute.

Arbitration
board may
order costs

(6) The arbitration board, upon determining a matter or dispute, may

- (a) order that the cost of the arbitration including the remuneration of the arbitrators be paid by the person requiring the arbitration, and
- (b) fix the amount thereof at such sum as to the board seems proper.

Recovery
of costs

(7) The costs so ordered to be paid may be recovered by the Minister as a debt in a court of competent jurisdiction from the person ordered to pay the costs.

Decision of
board final

(8) The decision of the arbitration board is final and binding on the parties.

Payment of
arbitrators

(9) An arbitrator appointed under this section shall be paid out of the General Revenue Fund such remuneration as may be prescribed by the Lieutenant Governor in Council.

Records, Returns and Notices

- 391.** (1) The owner, agent or manager shall provide the books required by this Act or the regulations. Owner or manager shall provide books
- (2) Each such book or a correct copy thereof shall be kept at the mine office or at another place at the mine where it can be ordinarily and properly kept. Books shall be kept at mine
- (3) An inspector, an electrical inspector, a person employed at the mine or a person having the written authority of the Director may at all reasonable times inspect and take extracts or copies from such books. Inspection of books
- 392.** The owner, agent or manager of each mine shall provide suitable books in which to enter the records that are required by this Act or the regulations to be made, and shall cause all such records to be entered therein. Owner or manager shall provide record books
- 393.** Each report required by this Act or the regulations to be recorded in a book to be kept at the mine for that purpose shall be countersigned by the manager within three days after the day on which the report is made. Manager shall countersign reports
- 394.** (1) Nothing in this Act shall be construed to impose an obligation to keep a book or copy thereof for more than twelve months after it has ceased to be used for entries therein under this Act or the regulations. No obligation to keep books over 12 months
- (2) No report book once used shall be again used for such purpose. Report book shall not be re-used
- 395.** (1) The owner, agent or manager of each mine shall send or cause to be sent each month to the Director a correct return showing the quantity of coal or other material taken from the mine during the preceding calendar month and such other information as the Director may demand. Shall send monthly return to Director
- (2) The return required by subsection (1) shall be made on forms supplied by the Director on application. Form of return
- (3) The return shall be sent in sufficient time to reach the office of the Director on or before the twentieth day of the month. Time of return
- (4) The owner, agent or manager shall make the return required by subsection (1) each month, irrespective of whether or not the mine was operated during the preceding month, until the mine is abandoned in accordance with this Act.
- 396.** The owner, agent or manager of each mine shall, on or before the fifteenth day of January in each year, send or cause to be sent to the Director a report showing what safety lamps, explosives and timber were used at the mine during the preceding year and such other information as the Director may demand. Shall send annual return to Director

Shall supply
information

397. The owner, agent or manager of a mine shall, at any time when required by the Director, send to the Director such information and facts relating to the mine as may be asked for.

Service on
Minister or
Director

398. (1) A notice or document required by this Act or the regulations to be served on or sent to the Minister or the Director may be

- (a) delivered personally, or
- (b) sent by prepaid registered letter addressed to him at his office in the Department at Edmonton.

Service on
district
inspector

(2) A notice or document required by this Act or the regulations to be served on or sent to a district inspector may be

- (a) delivered personally, or
- (b) sent by prepaid registered letter addressed to the district inspector at his latest known place of abode.

Service by
Minister, etc.

(3) A notice or document required by this Act or the regulations to be sent by the Minister, an inspector or an electrical inspector may be

- (a) served personally upon the person to whom it is to be sent, or
- (b) sent by prepaid registered letter to such person at his latest known place of abode.

Posting up
of notice of
ownership,
etc.

399. (1) The owner, agent or manager of each mine shall keep posted up in a conspicuous and convenient place at the mine

- (a) a notice setting out the name of the owner, agent and manager of the mine, and the name of the district inspector, and
- (b) a copy of this Act and the regulations and orders affecting the mine made pursuant to either of them.

(2) If a notice or copy required by subsection (1) to be posted is defaced, obliterated or destroyed it shall be replaced immediately.

Form of
book, etc.

400. Each book, return, notice, report, form or copy thereof required by this Act or the regulations to be kept, posted or forwarded shall be in a form approved by the Minister.

Evidence

Evidence
regarding
certificates

401. (1) A statement certified by the Director as to whether or not the person named therein is the holder of a certificate in accordance with this Act either at the date of the statement or at a time specified therein is admissible in evidence of the truth of the facts stated therein.

Evidence of
Director's
records

(2) An extract from or copy of a book, document or plan in the office of the Director, certified by the Director to be a true extract or copy, is admissible in evidence without any further proof in any court as if the book, document or plan had been produced to the court by the Director.

(3) Each statement, extract or copy purporting to be signed by the Director is admissible in evidence without any proof of the signature or of the appointment of the Director. Proof of statement by Director

Accident Reports

- 402.** (1) The owner, agent or manager of a mine shall Report death or explosion
- (a) immediately send notice by telegram to the Director and to the district inspector, and
 - (b) within twenty-four hours send a notice in Form 3 of the Schedule to the Director and to the district inspector,
- whenever in or about the mine loss of life occurs to any person, or any personal injury occurs by reason of an explosive or explosion.
- (2) The owner, agent or manager of a mine shall within twenty-four hours send a notice in Form 3 of the Schedule to the Director and to the district inspector when in or about the mine Owner or manager shall report personal injury
- (a) there occurs any serious personal injury, or
 - (b) there occurs any personal injury caused in whole or in part by the breaking of a hoisting rope.
- (3) When an injury of which notice is required under subsections (1) or (2) results in the death of the person injured, the owner, agent or manager immediately upon learning of the death shall send notice thereof to the Director and to the district inspector. Report of death following injury
- (4) The owner, agent or manager of a mine shall immediately send notice in writing to the Director and to the district inspector when Other accident reports
- (a) an explosion of gas or coal dust occurs,
 - (b) any explosive prematurely explodes,
 - (c) any gas is ignited,
 - (d) a fire occurs, or
 - (e) an accident happens that might reasonably be expected to cause injury to any person.
- (5) Where a fatal injury occurs at a mine, the place of the accident shall for at least three days after the sending of the notice in Form 3 or until an inspector visits the place, whichever is the sooner, be left in the same condition as it was at the time of the accident, unless compliance with this provision would tend to increase or continue a danger or would impede the working of the mine. Place of reported accident

403. (1) If a person receiving personal injury in or about a mine is able to do so, he shall before leaving the mine, report the accident to the manager, overman, examiner, outside foreman or foreman. Injured person shall report

(2) Each accident occurring in or about a mine shall be reported in detail in a special book which shall be kept at the mine for that purpose, Entry of accident report

- (a) by the examiner in whose district the accident occurred,

- (b) by the outside foreman if the accident occurred on the surface at an underground mine, or
- (c) by the foreman of a strip mine.

Inquests

Coroner
may require
assistance
of inspectors

404. For the purpose of making such inquiries as may be required to satisfy himself whether or not an inquest is necessary following a death that may have been caused by an explosion or accident at a mine, the coroner may require the assistance of the Director and the district inspector who shall, when so called on, make immediate inquiries into the circumstances of the death, and report to the coroner in detail the results of such inquiries.

Exemption
from
jury duty

405. At an inquest where the death may have been caused by an explosion or accident at a mine, no person who

- (a) has a personal interest in, or in the management of, the mine,
- (b) is an owner, partner, shareholder, stockholder or official in respect of the mine,
- (c) is an official of any workmen's or owners' association, or
- (d) is a relative of the deceased person,

shall serve as a juror at an inquest into the death.

Coroner
shall notify
inspector

406. (1) When an inquest is to be held upon the body of a person whose death may have been caused by an explosion or accident at a mine, the coroner

- (a) shall immediately notify the district inspector of his intention to hold the inquest,
- (b) if an inspector does not attend shall adjourn the inquest whenever practicable to enable the inspector or another person appointed by the Minister to be present, and
- (c) at least four days before the adjourned inquest, shall send notice in writing of the time and place of the adjourned inquest to the Director and the district inspector.

Plans for
coroner
and jury

(2) The owner, agent or manager of the mine shall, on the request of the district inspector, furnish in accordance with the request of the district inspector plans showing the locality of the accident and such other particulars as may be requested for the use of the coroner and the jury.

Examination
of witnesses

(3) At the inquest

- (a) the inspector or other person appointed by the Minister,
- (b) a person appointed by the workmen of the mine, and
- (c) a person appointed by the owner, agent or manager

may examine witnesses.

Evidence
at inquest

(4) Where evidence is given at the inquest of any action or default that may have caused or contributed to the ex-

plosion or accident, the coroner shall send to the district inspector notice in writing of the action or default.

Powers of the Lieutenant Governor in Council

407. The Lieutenant Governor in Council may from time to time

Suspend
hours of
work

- (a) in the event of great emergency or grave economic disturbance, suspend either in respect of all mines or any class of mines the operation of the provisions of this Act relating to the limiting of hours of work to such extent and for such period as he may order,
- (b) suspend any provision of this Act for such periods and subject to such conditions as may be prescribed where such suspension is necessary to enable the conduct of experimental operations that may lead to the safer, more effective or more economical operations in coal mines,
- (c) make regulations to provide for any method of conducting a coal mining operation not contemplated in this Act and vary the provisions of this Act to the extent necessary for such method,
- (d) make regulations governing the use of electricity at mines and for this purpose declare a standard code in force in mines or at any class of mines in whole or in part or with such variations as may be specified in the order,
- (e) fix the amount of any fees, charges and allowances for any service in connection with the administration of this Act,
- (f) authorize the payment from the General Revenue Fund of costs, expenses and remuneration of and incidental to the carrying out of the provisions of this Act, or
- (g) make regulations not inconsistent with this Act for the purpose of ensuring that operations in mines will be carried out in such a way as to ensure, as far as possible, the safety of the mine and all persons working therein.

408. (1) Each regulation made under the authority of this Act shall be published in *The Alberta Gazette*, and upon publication has the same force and effect as if it had been enacted as part of this Act.

Gazetting of
orders and
regulations

(2) Each regulation made under the authority of this Act comes into force at the time which may be prescribed in the regulation or, if no such time is prescribed, upon publication in *The Alberta Gazette*.

Coming into
force of
orders and
regulations

409. All regulations made under the authority of this Act shall be laid before the Legislative Assembly within fifteen days after the opening of the session thereof next after the date of publication in *The Alberta Gazette* of each such regulation.

Regulations
shall be laid
before
Legislative
Assembly

Powers of the Minister

Minister may appoint investigator	<p>410. (1) The Minister may at any time appoint a mining engineer or other person of scientific or special attainment or practical experience to make</p> <p>(a) a special investigation into any mining operations so far as they relate to the safety of life and property, and</p> <p>(b) a report thereof to the Minister.</p>
Powers of investigator	<p>(2) The person so appointed has the same right of entry into the mine and access to plans and records as are conferred upon an inspector or an electrical inspector by this Act.</p>
Report of investigator	<p>(3) The Minister may cause the report to be made public at such time and in such manner as he thinks fit.</p>
Minister may direct inspector to investigate	<p>411. (1) Where it appears to the Minister to be expedient, he may direct an inspector to hold a formal investigation</p> <p>(a) of any accident in a mine, or</p> <p>(b) of any matter connected with the working of a mine.</p> <p>(2) The Minister may appoint a person or persons possessing legal or special knowledge to act with the inspector in holding the investigation.</p> <p>(3) The inspector shall make the investigation in such manner and under such conditions as he thinks most effectual.</p>
Powers of inspector making investigation	<p>(4) In addition to his other powers the inspector, for the purpose of the investigation, may</p> <p>(a) enter and inspect any mine building or place,</p> <p>(b) require by summons signed by himself the attendance of any person, and require of such person answers or returns to inquiries,</p> <p>(c) require by summons signed by himself the production of any book, paper or document that he thinks necessary for the investigation, or</p> <p>(d) administer oaths.</p>
Witness fees	<p>(5) A person attending before an inspector in obedience to such summons shall be allowed such fees as are allowed to a witness before the Supreme Court.</p> <p>(6) A person who is</p> <p>(a) served with a summons under this section, and</p> <p>(b) tendered the proper witness fees</p> <p>shall forthwith obey and comply with the terms of the summons.</p>
Inspector's report	<p>(7) The inspector shall make a report of the investigation to the Minister.</p> <p>(8) The Minister may cause the inspector's report to be made public at such time and in such manner as he thinks fit.</p>

(9) The expenses incurred by an investigation under this section shall be paid out of the General Revenue Fund upon it being so ordered by the Lieutenant Governor in Council. Expenses of investigation

Powers of Inspectors

412. (1) If at any time it appears to the Director from a written report of a district inspector that the method of operation of a mine is such that Director may order remedy of wasteful operation

- (a) the coal is not being recovered economically, and
- (b) the coal can be recovered economically by methods of operation that are practical and reasonable, the Director may, by order in writing, require the owner or operator of the mine within ninety days of the order
- (c) to remedy the operation in a manner to ensure the economical recovery of the coal to the extent that it is practical and reasonable to do so, and
- (d) to submit to the Director a programme of future operation and particulars thereof for his approval.

(2) If, upon the expiration of a period of ninety days, the operation of the mine is not remedied and a programme for the future operation is not approved by the Director, the Director may by order prohibit the future operation of the mine or such part thereof as may be specified in the order until the operation has been remedied and a programme of future operation has been approved by him. Director may prohibit operation

(3) If the owner, agent or manager of the mine disputes the reasonableness of an order made by the Director under this section, he may give to the Director written notice of objection to the order and thereupon the dispute shall be settled by arbitration. Arbitration

(4) Pending the settlement of a dispute by arbitration, the order to which the notice of objection relates is suspended. Suspension of order

413. (1) No equipment, tool or appliance operated otherwise than by hand and no explosive or machinery shall be taken into or used in a mine unless it is of a kind and description approved by the Director. Approval of equipment

(2) The Director, if he deems fit, may upon application issue a special permit authorizing the installation and use for demonstration or experimental purposes, at such time and subject to such conditions as he may prescribe, any specified equipment, tool, appliance, machinery or explosive that is not of a kind and description that has been approved by him. Permit to demonstrate equipment

(3) In the conduct of an operation authorized by a permit pursuant to subsection (2), a demonstrator who is not the holder of the certificate required by this Act for a person conducting such operation, may conduct the operation if he is accompanied by and is under the direction of a person who is the holder of such a certificate. Demon- strator

(4) While conducting the operation the demonstrator shall obey the directions of the person under whose direction he is.

Power of
inspector
who finds
danger

414. (1) If, in a case for which this Act does not expressly provide, an inspector or an electrical inspector finds any matter, thing or practice in or connected with a mine to be, in his opinion, so dangerous or defective as to threaten or tend to the injury of any person, he shall forthwith

- (a) give notice in writing thereof to the owner, agent or manager of the mine,
- (b) state in the notice the particulars in which he considers the mine, or any part thereof, or the matter, thing or practice to be dangerous or defective,
- (c) require the same to be remedied, and
- (d) unless it is remedied forthwith and unless he is the Director, report the matter, thing or practice to the Director.

Notice to
withdraw
men

(2) In a notice given under subsection (1) the inspector may direct the men to be withdrawn from the mine, or a part thereof, until the matter, thing or practice is remedied.

(3) Each direction by an inspector for the withdrawal of men under this section shall be obeyed in accordance with written instructions of the inspector.

Objection
to order

(4) If the owner, agent or manager of the mine objects to remedying the matter, thing or practice complained of in the inspector's or electrical inspector's order or direction, he shall within forty-eight hours after receipt of the notice from the inspector or electrical inspector forward his objections and the grounds thereof in writing to the Director.

Arbitration

(5) If the owner, agent or manager and the Director fail to settle the matter in dispute it shall be decided by arbitration.

Offences and Penalties

Responsi-
bility of
owner or
manager

415. (1) The owner, agent and manager of each mine shall be responsible for the conducting of all operations, in connection with the mine, in accordance with this Act and the regulations and any orders properly made under either.

Owner or
manager
deemed
guilty of
contra-
vention

(2) In the event of a contravention of this Act, the regulations or such orders by any person whomsoever, the owner, agent and manager of the mine each shall also be deemed to be guilty of the contravention unless the owner, agent or manager, as the case may be, proves that he had taken all reasonable means by publishing and to the best of his power enforcing this Act, regulations and orders to prevent such contravention.

Defence

(3) Notwithstanding the provisions of subsection (2), the owner or agent shall not be deemed to be guilty of a contravention under that subsection if the owner or agent proves

- (a) that he was not in the habit of taking, and did not in respect of the matter in question take, a part in the management of the mine,
- (b) that he had made all the financial and other provisions necessary to enable the manager to carry out his duties, and
- (c) that the offence was committed without his knowledge, consent or connivance.

(4) Save as hereinbefore provided, it is not a defence in any proceedings brought against an owner or agent of a mine under this section that a manager of a mine had been appointed in accordance with the provisions of this Act.

416. No official of a mine shall be held responsible Liability of official

- (a) for anything done in contravention of his orders, or
- (b) for anything done in contravention of this Act and of which he could not in the ordinary course of his duties have had knowledge or control.

417. A person who contravenes any provision of this Act, the regulations or any order properly made under either of them is guilty of an offence. Offence

418. Each person employed in or about a mine, other than the owner, agent or manager, who is guilty of an act or omission that in the case of an owner, agent or manager would be an offence against this Act shall be deemed to be guilty of an offence against this Act. Employee deemed guilty of offence

419. Each person who knowingly makes a false statement in a report or entry required under this Act to be recorded in a book kept at the mine is liable, on summary conviction, to imprisonment for a term not exceeding one year. Penalty for false statement

420. A person who contravenes any of the provisions of this Act, or of the regulations or of an order made pursuant to this Act shall, unless a penalty is expressly provided by the Act, be liable on summary conviction therefor Penalties

- (a) if such person is an owner, agent or manager
 - (i) for a first offence to a penalty not exceeding two hundred dollars and costs, and in default of payment to imprisonment for a term of not more than sixty days, or
 - (ii) for a second or subsequent offence to a penalty of not less than fifty dollars and not exceeding five hundred dollars and costs, and in default of payment to imprisonment for a term of not more than ninety days, or
- (b) if the person is not an owner, agent or manager

- (i) for a first offence to a penalty not exceeding fifty dollars and costs, and in default of payment to imprisonment for a term of not more than thirty days, or
 - (ii) for a second or subsequent offence to a penalty of not less than ten dollars and not exceeding one hundred dollars and costs, and in default of payment to imprisonment for a term of not more than sixty days,
- and
- (c) in the case of an offence continuing for more than one day to an additional penalty of fifty dollars for each day during which contravention is continued after the first day.

Additional
penalty

421. Where a person who is an owner, agent, manager or an employee in or about a mine is guilty of an offence that, in the opinion of the justice of the peace, magistrate or district court judge as the case may be, who hears and determines the complaint, is one that

- (a) was reasonably calculated
 - (i) to endanger the safety of the persons employed in or about the mine,
 - (ii) to cause personal injury to any such person, or
 - (iii) to cause a dangerous accident,
- and

(b) was committed wilfully by the personal act, default, or negligence of the guilty person, that person is liable, if the justice of the peace, magistrate, or district court judge is of the opinion a pecuniary penalty will not meet the circumstances of the case, to imprisonment for a period not exceeding three months.

Penalties
under other
Acts

422. The penalties imposed for a breach of any of the provisions of this Act are in addition to any penalty imposed by any other Act for the same offence or matter.

Director
shall
consent to
prosecution

423. Except in cases where the information or complaint is made by an inspector or an electrical inspector, no justice of the peace other than the district court judge so acting or no magistrate shall, without the consent in writing of the Director

- (a) receive any information or complaint respecting an offence under this Act, or
- (b) issue any process whatsoever thereon.

Report of
prosecution

424. A person instituting a prosecution for a contravention of this Act, the regulations or an order pursuant thereto shall report the result of the prosecution to the Director within fifteen days after the hearing of the case.

Limitation

425. No prosecution for an offence against this Act, the regulations or an order pursuant thereto shall be commenced after the expiration of twelve months from the time when the matter of such prosecution arose.

426. *The Coal Mines Regulation Act*, being chapter 8 of the Statutes of Alberta, 1945, is hereby repealed. ^{Repeal}

427. This Act comes into force on the first day of July, 1955, except section 92 which comes into force on the first day of July, 1956. ^{Coming into force}

SCHEDULE

FORM 1

(Section 47)

FORM OF CERTIFICATION

The Coal Mines Regulation Act, 1955

I, of
in the Province of Alberta, do hereby certify:

(1) That I am the holder of Alberta Mine Surveyor's Certificate No.

or

That I am an Alberta land surveyor.

or

That I am a Dominion Land Surveyor.

(2) That the plan upon which this certificate is endorsed (or to which this certificate is attached) is correct, and shows thereon all the information required to be shown by *The Coal Mines Regulation Act, 1955*, as at the day of, A.D. 19.....

(3) That the said plan was prepared by me (or verified by me).

Dated at in the Province of Alberta,
this day of A.D., 19.....

.....
Surveyor's Signature

FORM 2

(Section 146)

CODE OF SIGNALS

<i>Operation</i>	<i>No. of Signals</i>
DESCENT	
(a) When a person is about to descend, the banksman shall signal to the cager or onsetter and to the hoistman	3

- (b) Before the person enters the cage, the cager or onsetter shall signal to the banksman and hoistman 3
- (c) When the cage at the bottom is clear and ready to ascend, the cager or onsetter shall signal to the banksman and hoistman 2
- (d) When the person is in the cage and ready to descend, the banksman shall signal to the hoistman 2

ASCENT

- (a) When a person is about to ascend, the cager or onsetter shall signal to the banksman and to the hoistman 3
- (b) Before the person enters the cage, the banksman shall signal to the cager or onsetter 3
- (c) When the person is in the cage and ready to ascend, the cager or onsetter shall signal to the banksman and to the hoistman 1
- (d) When the banksman has received the signal from the onsetter or cager, he shall signal to the hoistman 1

FOR HOISTING OTHERWISE THAN WITH PERSONS

- (a) To raise up 1
- (b) To stop when in motion 1
- (c) To lower down 2
- (d) To raise steadily 4
- (e) To lower steadily 5

FOR SLOPES

- (a) Before persons entrain, the onsetter shall signal to the hoistman, and the hoistman shall signal to the onsetter 3
- (b) When persons are ready to be lowered, the onsetter shall signal to the hoistman 2
- (c) When persons are ready to be hoisted, the onsetter shall signal to the hoistman 1
- (d) To stop when in motion 1

FORM 3

(Section 402)

NOTICE OF EXPLOSION OR ACCIDENT

Name and postal address of owner
 Name and number of the mine
 Date
 To the Director of Mines, Edmonton, Alberta, and to the

district inspector (*insert the last known place of abode of such inspector*).

Pursuant to *The Coal Mines Regulation Act, 1955*, I give you notice that an explosion (*or accident, as the case may be*), has occurred at this mine, of which the following are the particulars:

Name of person(s) killed

Name of person(s) injured

Occupation

Age

Date of accident

Time of accident

Place of accident

Date of first employment

Nature of injuries

Causes with full description of accident

Other remarks

.....
Owner, Agent or Manager.

THIRD SESSION
TWELFTH LEGISLATURE
4 ELIZABETH II
1955

BILL

An Act to Regulate the Working of
Coal Mines

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
