

Statutory Instrument No. 39 of 1970

THE WORKS AND MACHINERY PROCLAMATION (CHAPTER 125)

THE WORKS AND MACHINERY (AMENDMENT) REGULATIONS, 1970

(Published on the 17th April, 1970)

In the exercise of the powers vested in him by section 3 of the Works and Machinery Proclamation (Chapter 125) His Excellency the President has made the following regulations —

Citation

1. These regulations may be cited as the Works and Machinery (Amendment) Regulations, 1970.

Amendment of Regulation 1 in Schedule to Chapter 125

2. Regulation 1 of the regulations set out in the Schedule to the Works and Machinery Proclamation (hereinafter referred to as the principal regulations) is amended —

(a) by the insertion immediately after the definition of “machinery” of the following definition —

““mine” means any working at which mining operations are carried on and includes a quarry;”;

(b) by the deletion of the definition of “mining” and the substitution therefor of the following definition —

““mining” means the activity of obtaining or extracting or attempting to obtain or extract any element or compound occurring naturally in the earth’s crust, by any mode or method, or any purpose directly or indirectly connected therewith or incidental thereto and includes quarrying;”;

(c) by the insertion immediately after the definition of “mining” of the following definition —

““quarry” means any working at which quarrying operations are carried on;”;

(d) by the insertion immediately after the definition of “quarry” of the following definition —

““quarrying” means the activity of obtaining or extracting or attempting to obtain or extract any rock or similar material for commercial or industrial use by any mode or method, or any purpose directly or indirectly connected therewith or incidental thereto.”.

Amendment of Regulation 4 in Schedule to Chapter 125

3. Regulation 4 of the principal regulations is amended by the deletion of “Chief Mining Commissioner of the district in which the mine is situated” and the substitution therefor of “Mining Commissioner”.

Amendment of Regulation 12 in Schedule to Chapter 125

4. Regulation 12 of the principal regulations is amended by the deletion of sub-regulation (6) and the substitution therefor of the following —

“(6) At any such enquiry into the case of an accident causing loss of life or serious injury the inspector shall administer, and at any other enquiry the inspector may administer, an oath to witnesses, and if any witness to whom the oath has been so administered gives false evidence knowing it to be false he shall be guilty of an offence, and liable on conviction to the penalties prescribed for perjury.”

Amendment of Regulation 14 in Schedule to Chapter 125

5. Regulation 14 of the principal regulations is amended in subregulation (3) by the deletion of “Chief”.

Amendment of Regulation 17 in Schedule to Chapter 125

6. Regulation 17 of the principal regulations is amended by the insertion immediately after “telephone” of “to the Mining Commissioner and also”.

Substitution of Regulation 18 in Schedule to Chapter 125

7. Regulation 18 of the principal regulations is deleted and there is substituted therefor —

“18. Where such accident has resulted in death, a full statement of the particulars of such accident shall be transmitted as soon as practicable to the Mining Commissioner and also to the District Commissioner of the district.

Insertion of Regulations 149–161 inclusive into Schedule to Chapter 125

9. The principal regulations are amended by the insertion of the following regulations immediately after regulation 148 —

“SHAFTS

149. When tools, wood, or other materials are being raised or lowered in a shaft or winze, their ends, if projecting above the top of the cage, skip, bucket, kibble, or other conveyance, shall be securely fastened to the winding rope or to the bow of the conveyance.

150. The cage, skip, bucket, kibble, or other conveyance shall not be filled with loose rock or ground above the level of the brim.

151. Before the cage, skip, bucket, kibble, or other conveyance leaves the top or bottom of the shaft it shall be steadied by or under the supervision of the workman in charge.

152. In a shaft in the course of sinking the cage, skip, bucket, kibble or other conveyance shall not be lowered directly to the bottom of the said shaft if men are present there, but shall be stopped at least fifteen feet above the bottom until the signal to lower it further has been given by one of the sinkers thereat. This regulation shall not apply to shafts in which the sinkers are not more than fifty feet below the banksman.

153. No person shall be allowed to work at the bottom of a shaft in the course of sinking unless protected by an adequate cover which, save that adequate space shall be left for the ladder-way and for the passage of any sinking cage, skip, bucket, kibble or other conveyance, shall extend over the whole area of such shaft. Such cover shall be situated at least five feet below the lowest bin pass or, where there are no bins, at least

five feet below the lowest level, and such cover shall be situated not more than fifty feet from the bottom of the shaft in vertical and steeply inclined shafts and not more than one hundred feet from the bottom of the shaft in other shafts:

Provided always that where substantial covers have been erected below the lowest bin pass or level it shall be lawful to erect below those covers temporary covers within the maximum distances from the bottom of the shaft as stated above.

154. At every shaft station where it is necessary for workmen to pass from one side of the shaft to the other, provision shall be made for them to do so without entering or crossing a winding compartment, and such passage shall be securely fenced off from moving parts of machinery.

155. Passes by which skips, buckets, kibbles or other conveyances are filled from shaft bins and which project into the shaft shall be fitted with hinges, so mechanically constructed that when not in actual use the hinged portion of the pass shall be automatically raised so as to be parallel with and contiguous to the hanging wall of the shaft or to the timbering on the hanging wall of the shaft:

Provided that this regulation shall only apply to the hauling compartments of a shaft which, in addition to being used for hauling rock, are used for the purpose of raising or lowering persons.

156. Entering or crossing a winding compartment of a shaft is prohibited, except when ascending or descending:

Provided that this regulation shall not apply to persons employed in repairing and maintaining shafts.

157. (1) Without the permission in writing of the Government Mining Engineer no winding shall be permitted to take place in a winding compartment whilst persons are engaged in effecting repairs or examination in the compartment, except such winding as may be necessary for the purpose of such repairs or examinations.

(2) This regulation shall not prohibit persons from working below the lowest point from which winding is taking place provided that such persons are securely protected by a suitable covering.

(3) The words "repairs" and "repairing" mentioned in this regulation and in regulation 156 shall be taken to include the oiling of rollers and pulleys.

158. The person in charge of blasting operations in a shaft in course of sinking shall notify the engine driver by a special signal when blasting is about to take place.

159. At every shaft or shaft station where persons are regularly allowed to ride, signals for raising or lowering a person or persons shall only be given by persons authorised by the manager of the mine in writing who shall be responsible for the observance of regulations 160 and 161 and for ensuring that the correct signals are given and that the doors and covers of the cages or skips are properly fixed.

160. After any stoppage of winding for repairs or for any other purpose exceeding two hours duration, the winding engine shall not be used for raising or lowering persons until the cage, skip, bucket, kibble or other conveyance has been run at least one complete trip up and down the working portion of the shaft.

161. (1) Subject to the provisions of subregulations (2) and (3), no person shall ascend or descend a shaft or winze on the top of any cage or on the side, bow, rim, bail or carriage of any skip, kibble, truck or other conveyance, whether loaded or unloaded or in a cage, skip, bucket, kibble, truck or other conveyance partially loaded with materials.

(2) This regulation shall not prohibit the riding in partially loaded cages, skips, buckets, kibbles or other conveyance by any person duly authorised by the manager of the mine in writing for that purpose or by persons engaged in sinking operations or shaft examinations.

(3) This regulation shall not prohibit the riding on the top of a cage or on the bridle of a skip by persons engaged in shaft repairs or shaft inspections, but in the case of vertical shafts a cover shall be provided to protect persons engaged in shaft repairs or shaft inspections.

A. MOGWE,
Permanent Secretary

Office of the President,
GABORONE.
7th April, 1970.
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