

1932.

Kenya.

No. 18145.

SUBJECT

C0533/425

Mining Ordinance.

Previous

17133/31.

Subsequent

Subfile 1. Exploratory
Prospecting
License.

3023/32

1. Supplement to Kenya Gazette — 15/3/32
No. 11. 2

The Mining Regulations, 1932
The Mining Order, 1930 - date of coming
into operation
Application of P.V.
to various metals

2. Extract from Kenya Gazette — 22/2/32
No. 13

Joint Notices (Nos. 185, 186. Registered on
Exclusive Prospecting Licence) 18/4/32.

Joint Notice Nos 191, 192, 193.

① & ② Registered for record as
directed on 19/2/32 (Kenya Gazette No. 11)
(Notices 185 & 186 circulated for
Comm. on 18/4/32).

Room 299

4532 6A

Here we a file for C.T. Coyle (see
Joint Notice 193)?

J. H. ...
6/5

The new inspector of Mines is deaf (no. 4532)
but in 1925 he was "the most highly qualified
Mining Engineer in the Colony" (14).

Put by
J. H. ...
6/5

[Handwritten mark]

1. Supplement to Kenya Gazette — 15/3/52
No. 11.

2

- The Mining Regulations, 1952
- The Mining Order, 1950 - Date of coming into operation
- " " " Application of Pt. V to Precious metals

2. Extract from Kenya Gazette — 22/2/52
No. 13

Joint Notice (Nos. 185, 186. Registered on Exclusion Proposals) 18/4/52
Licence

Joint Notice Nos 191, 192, 193.

① & ② Registered for record as directed on 19/02/52 (Kenya Gazette No. 185 & 186 circulated for Comm. on 18/4/52).

Room 299

4.5.52 EA

Have we a file for C.T. Cagle (see Joint Notice 193)?

J.P. [Signature]
b/s

The new inspector of Mines is deaf (No. 4552) but in 1922 he was "the most highly qualified Mining Engineer in the Colony" (14)

Put by [Signature]
6/5/52

[Handwritten mark]

3. Col. Kelly — 2 — 14/6/32
(Omnibus)
Two 12 Copies of a Report of a Select Committee
of the Dept of Mines on the Mining (Amendment)
Ordinance, 1932. (Copy of Bill attached)

? put by
A. H. G.
14.6.32

The Bill includes the 'aged amendments'
and a considerable number of others.
But it omits the amendments
suggested in (b) of the 17/3/32
But? await enactment.

Advised
6.14/6

* The words 'unless' are to be
omitted unless some case be
shown for retention - as shall
be done when explanation

was struck
14/6/32

4. Mr. Kenya — 275 — 9/6/32
Two 2 Sealed Copies of Order 21, 1932,
"An Ordinance to Amend the Mining Ordinance 1930"
together with Legal Report. (Plain copy
5 found)

The only point for comment is
the provision in section 5 of the 1931
Order (which is 17/3/31) of the
Clause empowering the Registrar of Titles
to issue in the future certificates of
ownership when the Registrar

see the Howard's minute of 8/1/31
1733/31 as a result of which 8 in the
file issued suggesting the deletion of the
words in hereafter issued unless reason
could be shown for their retention.

Section 28(1) of Cap 143 sunsets
the issue of certificates of ownership without
rights over minerals - but 9000 certificates
including mineral rights have been issued
and it is proposed to include this proviso
in certificates issued in respect of
about 4000 claims now under Crown.

It seems desirable to ensure that this
section as regards the future should apply
only to claims above mentioned and that
if the Cap 143 is applied to other districts
mineral rights should not vest in the
owners.

2. otherwise subject to any legal
obvious & apply now disallowance of
Order No XV of 1932

J. H. P. [Signature]
20/6/32

... into the foregoing remarks, but I
think the application in paragraph 3 of (4)
indicates clearly enough the limitation
intended, & it will not be necessary
to express these limitations in the Bill
though perhaps it might be as well
to indicate to the printer the
construction placed on paragraph 3.
The amendment to sub (6) of the paragraph
is complete and reads that

(Sealed copy to)
Library

3. Col. Kelly — Opp. — 14/6/32
 (Omnibus)
 Two 12 copies of a report of a select committee
 of the C.I.S. on the Mining (Amendment)
 Ordinance, 1932. (Copy of Bill
 attached)

? put by
 A.H.G.
 14.6.32

The Bill contains the 'agreed amendments'
 and a considerable number of others.
 But it omits the amendments
 suggested in (b) of the 2 on 17/3/32
 But? await enactment.

Advised 6.14/16

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 14/6/32

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 order (which is 17/32/31) of the
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 ownership in mineral rights

(Sealed copy to
 Library)

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 construction placed on paragraph 3.
 The amendment to sec 67(b) of the proposed
 Ordinance is complete and remains that

Division ungrammatical though the
meaning can be gathered with
the exercise of a little imagination
? other observations -

S. S. Abraham
13/7/32

Signify n-d-a. remarks in

prepared by Mr. Abraham

S. S. Abraham
13/7/32

Noted
2/1/32

5- Tolson, 532 (4 Amel) - 19 July 1932

Refer to
note No. 5

~~Col. Secty.~~ For - - 12/6/32
No. printed copies of the Ordinance
Sent to Library.

DESTROYED UNDER STATUTE

Printed by
S. S. Abraham
S. S. A.

100

7 Extract from Kenya Gazette - 2/6/32
List of Common Mineral Substances not
regarded as minerals for the purposes of the
Act.

Publy
K. S. P. ...

100

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S. P. Abraham

13/7/52

Supply n-d-a. remarks in

prepared by Mr. Abraham

Abraham
13/7/52

Noted
July 21/52

5- Tolson, 532 (4 Anes) - 19 July 1952

Relay to
note no. 5

~~C. Sect.~~

3pa - 12/6/52

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Sent to Library.

DESTROYED UNDER STATUTE

Pre. by.

S. P. Abraham

S. P. 22
a.m.

100

7 Extract from Kenya Gazette - 2/6/52

List of Common Mineral Substances not
regarded as minerals for the purposes of the
Ordinance.

Publy

S. P. Abraham

100

94

SUPPLEMENT No. 41

COLONY AND PROTECTORATE OF KENYA



Supplement to the Official Gazette

Proclamations, Rules and Regulations

(No. 38)

Vol. XXXIV.—No. 39

September 13, 1932

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The Mining (Safety) Regulations, 1932

CORRIGENDA

Ref. Govt. Notice No. 563—The Revised Mining Regulations, 1932—
appearing in Supplement No. 37, dated August 30, 1932—

Line 1 of section 23 should read—

“ 23. Excess work on one claim shall be allowed to count ”

Line 2 of section 25 should read—

“ commencing to work such claim after his right to take ”

Line 1 of section 48, sub-section (2), should read—

“ (2) working for profit under any lease or private agree- ”

94

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GOVERNMENT NOTICE No. 599.

THE MINING ORDINANCE, 1931.

REGULATIONS.

IN EXERCISE of the powers conferred upon him by section 101 of the Mining Ordinance, 1931, His Excellency the Governor in Council has been pleased to make the following Regulations:—

MINING (SAFETY) REGULATIONS, 1932.

1. These Regulations may be cited as "the Mining (Safety) Regulations, 1932."

2. In these Regulations unless the context otherwise requires—

"adit" means an artificial pit or hole of an inclination less than 3 degrees from the horizontal;

"banksman" means a person who is appointed by the manager to be stationed at the shaft top to supervise the loading and unloading of persons in the cage or skip, and to give the necessary signals to the engine-driver;

"boiler" means any apparatus adapted to convert continuously any liquid into steam, vapour or gas of a higher pressure than that of the atmosphere, together with all fittings and appurtenances including superheaters and economizers;

"engine" means an arrangement of machinery which converts physical into mechanical power;

"explosives" mean nitro-glycerine, dynamite, or any other nitro-glycerine compound, gun-cotton, blasting powder, detonators and every other substance (whether similar to those mentioned or not) used in mining operations with a view to producing a practical effect by explosion;

"ganger" means a person in charge of workmen in one or more working places in a mine whether he is the holder of a blasting certificate or not;

"manager" means the person registered as responsible under these regulations for the control, management, and direction of a mine or works;

"mine" means any open-cast workings and/or sub-surface workings which are entered by means of a shaft or adit;

"misfire" or "misfired hole" means a hole in which the explosive has failed to explode;

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"ganger" means a person in charge of workmen in one or more working places in a mine whether he is the holder of a blasting certificate or not;

"manager" means the person registered as responsible under these regulations for the control, management, and direction of a mine or works;

"mine" means any open-cast workings and/or sub-surface workings which are entered by means of a shaft or adit;

"misfire" or "misfired hole" means a hole in which the explosive has failed to explode;

"mine captain" means the person in charge of the underground workings of a mine acting under the direction of the manager;

"owner" means any person who is the immediate holder or lessee of a mine or works or part thereof, or a tributary for the working of a mine or part thereof, and in the case of a registered or incorporated company the term "owner" shall include every director or secretary or representative of the company in Kenya and in the case of an unincorporated body of persons shall include every member of that body in Kenya;

"raise" or "rise" means a winze which is being excavated upwards;

"prospector" means any person who is the possessor of a valid prospecting right issued under the Ordinance;

"safety pillar" means every portion of a reef, mineral deposit or ground left in situ for the support and protection of the surface, objects thereon and underground workings;

"shaft" means an artificial pit or hole of greater inclination than 3 degrees from the horizontal;

"shift boss" means the person in charge during a shift in a section of or in all the underground workings of a mine, acting under the instruction of the mine captain;

"skipman" means a person appointed by the manager to have charge of the cage or skip underground in which persons or material are being raised or lowered and to give the necessary signals to the engine-driver and banksmen;

"steeply inclined" in connexion with shafts or winzes or other underground excavations means an inclination to the horizontal of more than 45 degrees;

"stope" means a working in which a section or block of the reef which is being or has been opened up by means of levels and their connexions, is being removed;

"surface foreman" means the person in charge of the surface working of a mine, acting under the direction of the manager;

"surveyor" means the person registered as responsible under these regulations for the upkeep of mine plans and for the accurate survey of the workings;

"winze" means an interior shaft;

"workings" include all excavated portions of a mine;

"Inspector of Mines" means an officer appointed by the Governor under section 8 of the Ordinance.

SURFACE PROTECTION.

3. Where mining operations have caused subsidences or cavities on the surface, or where such are likely to occur such places shall be securely fenced and conspicuous notice boards shall be erected to warn persons.

4. (a) For the protection of ground and any surface objects which it is necessary to protect in the interests of personal safety or public traffic, and the removal of which may be inexpedient, the reefs, coal beds or other mineral deposits shall be left intact not only vertically below the same, but also for such distance beyond as the Inspector of Mines may consider necessary subject to the approval of the Commissioner of Mines.

(b) Permission for the entire or partial excavation of the ground beneath such surface objects may be obtained from the Commissioner of Mines to the extent and under such precautions as he may prescribe in each separate case.

(c) The driving of tunnels through such safety pillars not exceeding 6 feet in width for the purpose of connecting two separate mines or parts of a mine shall only be allowed with the special written permission of the Inspector of Mines, upon precautions prescribed by him being observed.

5. All excavations made contrary to the provisions of the preceding regulation shall be immediately filled with loose rock, debris or earth by the persons responsible for such excavations, failing which they shall be filled by Government at the expense of the owner of the mine.

6. Should any ground under which mining is forbidden by law be undermined unlawfully, the owner of the mine concerned shall, in addition to any punishment inflicted on the manager, pay to the Government the value of the mineral wrongfully extracted. The basis of the calculation of the value of such minerals shall be the average value of mineral produced during the preceding six months.

7. (a) The ground removed from trenches, pits or other excavations shall be so disposed around the boundaries of the openings that approximately equal ridges are provided on these boundaries, and every sufficient means shall also be taken (either by filling or fencing the same) to prevent persons inadvertently falling into or entering such excavations.

Protection of surface subsidences or cavities.

Pillars to be left for protection of ground and surface objects.

Excavation of safety pillars when allowed by law, subject to precautions prescribed by the Commissioner of Mines.

Tunnelling through safety pillars allowed by special permission.

Excavations contrary to regulations to be filled in.

Unlawful undermining, restitution of value to Government.

Ground to be disposed around the boundaries of prospecting trenches.

"mine captain" means the person in charge of the underground workings of a mine acting under the direction of the manager;

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"raise" or "rise" means a winze which is being excavated upwards;

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"skipman" means a person appointed by the manager to have charge of the cage or skip underground in which persons or material are being raised or lowered and to give the necessary signals to the engine-driver and banksman;

"steeply inclined" in connexion with shafts or winzes or other underground excavations means an inclination to the horizontal of more than 45 degrees;

"slope" means a working in which a section or block of the reef which is being or has been opened up by means of levels and their connexions, is being removed;

"surface foreman" means the person in charge of the surface working of a mine, acting under the direction of the manager;

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Pillars to be left for protection of ground and surface objects

(b) Permission for the entire or partial excavation of the ground beneath such surface objects may be obtained from the Commissioner of Mines to the extent and under such precautions as he may prescribe in each separate case

Excavation of safety pillars when allowed by law, subject to precautions prescribed by the Commissioner of Mines

(c) The driving of tunnels through such safety pillars not exceeding 6 feet in width for the purpose of connecting two separate mines or parts of a mine shall only be allowed with the special written permission of the Inspector of Mines, upon precautions prescribed by him being observed

Tunnelling through safety pillars allowed by special permission

5. All excavations made contrary to the provisions of the preceding regulation shall be immediately filled with loose rock, debris or earth by the persons responsible for such excavations, failing which they shall be filled by Government at the expense of the owner of the mine

Excavations contrary to regulations to be filled in

6. Should any ground under which mining is forbidden by law be undermined unlawfully, the owner of the mine concerned shall, in addition to any punishment inflicted on the manager, pay to the Government the value of the mineral wrongfully extracted. The basis of the calculation of the value of such minerals shall be the average value of mineral produced during the preceding six months

Unlawful undermining, regulation of value to Government

7. (a) The ground removed from trenches, pits or other excavations shall be so disposed around the boundaries of the openings that approximately equal ridges are provided on these boundaries, and every sufficient means shall also be taken (either by filling or fencing the same) to prevent persons inadvertently falling into or entering such excavations.

Ground to be disposed around the boundaries of prospecting trenches

Loose material not permitted near unprotected edges.

Filling in or fencing dangerous prospecting works.

Penalty in case of neglect to comply.

Protection of shafts not in use and elevated platforms, etc.

Poisonous and injurious chemical solutions; precautions necessary.

Poisonous solutions must not be allowed to escape.

Angle of slope.

Undercutting and high vertical faces prohibited in alluvial and other such workings unless properly secured.

(b) No spoil, material, tools or implements of any kind shall lie within 2 feet of the unprotected edge of any opening.

8. Disused prospecting works shall be filled with ground to the level of the surface or otherwise securely fenced by the claim-holder or the holder of a mining lease of the ground.

9. If any person neglects to comply with the provisions laid down in Regulations 7 and 8 he shall be guilty of an offence against these regulations. The Government shall in any case have the right to fill such openings at the expense of such person, or take other necessary protective measures.

10. The mouth of every shaft or entrance to workings that for the time being is out of use or used only as an airway, the approach of every open working not being an ordinary prospecting trench, and every elevated and exposed platform and gangway shall be kept securely fenced or otherwise protected.

11. (a) Water containing poisonous or injurious chemical solutions used in the treatment of gold or other ores, must be effectually fenced to prevent inadvertent access and notice boards shall be erected in suitable places warning persons from making use of such water.

(b) In no case may water containing any poisonous or injurious chemical solution be permitted to escape or enter any stream, lake, race, dam or reservoir or other stagnant water without having been previously rendered innocuous.

OPEN CAST WORKINGS.

12. An Inspector of Mines may determine from time to time the angle to be maintained on any mine workings to ensure the safety thereof, and in such case shall give notice in writing to the holder of a claim or mining lease or his agent of the angle to be maintained.

13. In the open face working of alluvial or of soft, gravel, clay, tailings, slimes, ashes, debris or other suitable ground no undercutting shall be allowed and unless securely timbered no vertical face shall have a height of more than 10 feet but such unsecured open face shall be worked in terraces or at an angle of safety.

UNDERGROUND WORKINGS.

14. The mouths of all underground entrances and the tops of every vertical or steeply inclined shaft, winze, sump and chute or sliding-hole, shall be kept properly fenced by means of a barrier or gate but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions to prevent danger to persons are taken.

15. (a) Where the underground workings mentioned in the preceding regulation, or steeply inclined stopes, lead directly into a travelling road, such road, as also any working place situated on its lower or dip side, shall be securely fenced so that persons working therein shall be protected against the danger of falling stones or materials.

(b) Should any ganger have reason to believe that any part of the hanging wall or any other part of a mine is in a dangerous condition he shall at once inform the mine captain or the manager who shall take the necessary steps to remove the danger. The ganger shall also inform any gangster who may relieve him.

16. All underground entrances to shafts or other dangerous places which are temporarily or permanently abandoned shall be securely fenced across the whole width of such entrances so that no person can unintentionally enter the same.

17. (a) Where the ground is not naturally safe, every working or pumping shaft and every travelling road, airway or working place, adits, levels, crosscuts, stopes and underground passages shall be securely timbered, walled, or otherwise made secure, and kept in safe condition so long as they are in actual use, and no person unless appointed for the purpose of exploring or repairing shall travel or work in such shaft or underground working until it is made secure.

(b) The ganger or miner in charge of exploring or repair work or in making the place safe shall take all reasonable precautions that the persons under his charge are secured against falling, hanging and other dangers whilst performing such work.

(c) Where the ground is not naturally safe in every working place a sufficient reserve of suitable timber shall be provided conveniently for immediate use.

Fencing of entrances to shafts, winzes, etc.

Protection underground against falling material.

Mine captain to be informed in case of danger.

Underground entrances to abandoned shafts to be fenced.

Dangerous workings to be properly secured.

Responsibility of ganger in charge of workmen.

Reserve of timber to be kept.

Loose material not permitted near unprotected edges.

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10. The mouth of every shaft or entrance to workings that for the time being is out of use or used only as an airway, the approach of every open working not being an ordinary prospecting trench, and every elevated and exposed platform and gangway shall be kept securely fenced or otherwise protected.

11. (a) Water containing poisonous or injurious chemical solutions used in the treatment of gold or other ores, must be effectually fenced to prevent inadvertent access and notice boards shall be erected in suitable places warning persons from making use of such water.

(b) In no case may water containing any poisonous or injurious chemical solution be permitted to escape or enter any stream, lake, race, dam or reservoir or other stagnant water without having been previously rendered innocuous.

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Fencing of entrances to shafts, winzes, etc.

15. (a) Where the underground workings mentioned in the preceding regulation, or steeply inclined stopes, lead directly into a travelling road, such road, as also any working place situated on its lower or dip side, shall be securely fenced so that persons working therein shall be protected against the danger of falling stones or materials.

Protection underground against falling material.

(b) Should any ganger have reason to believe that any part of the hanging wall or any other part of a mine is in a dangerous condition he shall at once inform the mine captain or the manager who shall take the necessary steps to remove the danger. The ganger shall also inform any ganger who may relieve him.

Mine captain to be informed in case of danger.

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Underground entrances to abandoned shafts to be fenced.

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Dangerous workings to be properly secured.

(b) The ganger or miner in charge of exploring or repair work or in making the place safe shall take all reasonable precautions that the persons under his charge are secured against falling, hanging and other dangers whilst performing such work.

Responsibility of ganger in charge of workmen.

(c) Where the ground is not naturally safe in every working place a sufficient reserve of suitable timber shall be provided conveniently for immediate use.

Reserve of timber to be kept.

Supporting roof and sides.

18. (a) Adequate bracket pillars or other supports shall be provided alongside faults or faulty ground.

(b) If the Inspector of Mines considers that the system of supporting the roofs and sides adopted in any mine or part of a mine is unsafe by reason of the distances fixed between props or pillars being excessive, he may require the manager to fix some less distance or otherwise modify the system.

(c) Where the hanging is friable all props shall be provided with head-boards or with caps between adjacent timbers.

Laying down of loose articles near shaft entrances prohibited.

19. Tools, wood or any loose articles shall not be laid down or be allowed to remain in such proximity to the mouth of any entrance to shafts or winzes, whether vertical or inclined as may result in their falling into them.

Material not to be carried in cage with persons except when repairing shaft.

20. No truck, iron, timber, tools or other materials shall, except when the shaft is being repaired, be placed in any cage or conveyance in which men are being lowered or raised.

Hard hats.

21. (a) Except when otherwise exempted in writing by the Inspector of Mines, no person shall work in a vertical or steeply inclined shaft or winze, rise or slope unless he wears a hard hat of a type approved by the Inspector of Mines.

(b) No person in charge of workmen in a vertical or steeply inclined shaft, winze, rise or slope shall allow any such workmen to work therein unless they wear hard hats as aforesaid.

(c) In the case of a native employee such hat shall be provided by the manager free of cost.

Advance bore holes when approaching water or gas.

22. (a) Where a place is likely to contain a dangerous accumulation of water or noxious gases any working approaching that place shall have bore-holes kept at least four feet in advance and any such additional precautionary measures shall be taken as may be deemed necessary to obviate the danger of a sudden influx of such water or gases, and such working place must not exceed 6 feet in width.

(b) A surveyor shall exercise supervision at every such working place and shall be responsible for the correct direction of such working.

Surveyor to supervise direction of workings approaching water or gas. Safety pillars between adjoining properties.

23. (a) On the inside of the boundary lines of every mine safety pillars must be left standing the width of which in coal mines shall not be less than 50 feet and in metalliferous mines not less than 30 feet, measured at right angles from the boundary lines.

(b) On the joint application of the owners of adjoining mines, the Inspector of Mines shall give permission to either party to weaken, cut through or work their respective pillars between such mines.

Weakening or removal of safety pillars: procedure.

(c) In the absence of such joint application the Commissioner of Mines shall have power to give written permission for the partial working, weakening or cutting through of such pillars.

WINDING AND HAULING.

(a) General.

24. (a) Windlasses, whins and whips in use at shafts and winzes shall be provided with stoppers, pawls or other reliable holders, and care shall be taken that the attaching or releasing of buckets, kibbles or other receptacles is done without danger to workmen.

Windlasses, buckets, kibbles, etc.

(b) All windlasses and other similar contrivances used to haul persons and ground shall be subject to the approval of the Inspector of Mines.

(c) Ropes shall have at least four turns round the drum of windlasses when the bucket is at the lowest part of the shaft or winze. Where only one bucket is in use the rope shall, in addition, be securely fastened to the drum.

(d) When lowering or raising persons by windlass there shall be not less than four men controlling the handles.

25. (a) Where winding is effected by means of an engine an adequate brake shall be attached to every drum and kept in proper working order.

Winding engines: adequate brake required.

Such brake shall be so arranged that, be the engine at work or rest, it can be easily and safely manipulated by the engine driver when standing at the levers controlling the engine.

Arrangement of brake.

(b) Spare parts, brake blocks, etc., shall always be kept in stock at the mine.

Spare parts, brake-blocks, etc.

(c) The Inspector of Mines shall at all times have the power to order or conduct a test of the efficiency of all brakes.

Testing of brakes by Inspector of Mines.

(d) Lowering from an unclutched drum is prohibited.

26. The connexion between rope and bucket, kibble or other means of conveyance must be of such a nature that no accidental disconnection can take place.

Connexion between rope and conveyance.

Supporting roof and sides.

18. (a) Adequate bracket pillars or other supports shall be provided alongside faults or faulty ground.

(b) If the Inspector of Mines considers that the system of supporting the roofs and sides adopted in any mine or part of a mine is unsafe by reason of the distances fixed between props or pillars being excessive, he may require the manager to fix some less distance or otherwise modify the system.

(c) Where the hanging is friable all props shall be provided with head-boards or with caps between adjacent timbers.

Laying down of loose articles near shaft entrances prohibited.

19. Tools, wood or any loose articles shall not be laid down or be allowed to remain in such proximity to the mouth of any entrance to shafts or winzes, whether vertical or inclined as may result in their falling into them.

Material not to be carried in cage with persons except when repairing shaft.

20. No truck, iron, timber, tools or other materials shall, except when the shaft is being repaired, be placed in any cage or conveyance in which men are being lowered or raised.

Hard hats.

21. (a) Except when otherwise exempted in writing by the Inspector of Mines, no person shall work in a vertical or steeply inclined shaft or winze, rise or stope unless he wears a hard hat of a type approved by the Inspector of Mines.

(b) No person in charge of workmen in a vertical or steeply inclined shaft, winze, rise or stope shall allow any such workmen to work therein unless they wear hard hats as aforesaid.

(c) In the case of a native employee such hat shall be provided by the manager free of cost.

Advance bore holes when approaching water or gas.

22. (a) Where a place is likely to contain a dangerous accumulation of water or noxious gases any working approaching that place shall have bore-holes kept at least four feet in advance and any such additional precautionary measures shall be taken as may be deemed necessary to obviate the danger of a sudden influx of such water or gases, and such working place must not exceed 6 feet in width.

(b) A surveyor shall exercise supervision at every such working place and shall be responsible for the correct direction of such working.

Surveyor to supervise direction of workings approaching water or gas. Safety pillars between adjoining properties.

23. (a) On the inside of the boundary lines of every mine safety pillars must be left standing the width of which in coal mines shall not be less than 50 feet and in metalliferous mines not less than 30 feet, measured at right angles from the boundary lines.

(b) On the joint application of the owners of adjoining mines, the Inspector of Mines shall give permission to either party to weaken, cut through or work their respective pillars between such mines.

Weakening or removal of safety pillars procedure.

(c) In the absence of such joint application the Commissioner of Mines shall have power to give written permission for the partial working, weakening or cutting through of such pillars.

WINDING AND HAULING.

(a) General.

24. (a) Windlasses, whims and whips in use at shafts and winzes shall be provided with stoppers, pawls or other reliable holders, and care shall be taken that the attaching or releasing of buckets, kibbles or other receptacles is done without danger to workmen.

Windlasses, buckets, kibbles, etc.

(b) All windlasses and other similar contrivances used to haul persons and ground shall be subject to the approval of the Inspector of Mines.

(c) Ropes shall have at least four turns round the drum of windlasses when the bucket is at the lowest part of the shaft or winze. Where only one bucket is in use the rope shall, in addition, be securely fastened to the drum.

(d) When lowering or raising persons by windlass there shall be not less than four men controlling the handles.

25. (a) Where winding is effected by means of an engine an adequate brake shall be attached to every drum and kept in proper working order.

Winding engines; adequate brake required.

Such brake shall be so arranged that, be the engine at work or rest, it can be easily and safely manipulated by the engine driver when standing at the levers controlling the engine.

Arrangement of brake.

(b) Spare parts, brake blocks, etc., shall always be kept in stock at the mine.

Spare parts, brake-blocks, etc.

(c) The Inspector of Mines shall at all times have the power to order or conduct a test of the efficiency of all brakes.

Testing of brakes by Inspector of Mines.

(d) Lowering from an unclutched drum is prohibited.

26. The connexion between rope and bucket, kibble or other means of conveyance must be of such a nature that no accidental disconnexion can take place.

Connexion between rope and conveyance.

Quality and condition of winding ropes.

27. Ropes used for winding purposes shall be in good condition and of good quality and manufacture. Every rope used for winding purposes in shafts and winzes shall be made of steel wire, and the wires used in the construction of the ropes shall be of size suitable for use with the sheaves and drums fitted.

Securing of projecting materials during winding.

28. When tools, wood or other materials are to be lowered or hoisted in any shaft, the ends, if projecting above the top of the bucket, kibble or other vehicle shall be securely fastened to the winding rope or the bow.

Sinking bucket: amount of filling allowed

29. (a) In shaft-sinking the bucket or other receptacle shall be filled only to the level of the brim.

Bucket to be steadied before starting

(b) Before the bucket or other receptacle leaves the top or bottom of the shaft or winze, it shall be steadied under the supervision of the workman in charge.

Cage or skip, etc., to be stopped before reaching the bottom

30. In no case shall any cage, skip, kibble or other receptacle be directly lowered to the bottom of a shaft when men are working there, but shall be stopped at least fifteen feet above the bottom until the signal to lower further has been given by one of the sinkers thereat. This regulation shall not apply where shafts are less than 50 feet in depth.

Ladders in sinking shafts

31. Ladder ways shall be provided in all shafts including those in the course of sinking to within such distance of the bottom as will secure them from damage in blasting, and from the ends of such ladder ways chains or chain ladders shall be extended to the bottom of the shaft. This regulation shall not apply to shafts less than 100 feet in depth.

Guides for conveyances in shafts.

32. In all shafts exceeding 200 feet in depth suitable guides shall form part of the equipment for lowering and hoisting.

Protection of workmen in shaft sinking.

33. (a) When a shaft has no separate ladder way under which those engaged in sinking may find shelter during the winding of rock, materials or water, sufficient protection shall be provided by a suitable covering.

(b) Should a shaft be sunk deeper whilst ordinary winding is going on the men employed at the bottom of such shaft shall be securely protected by a cover over-head.

34. In vertical shafts where cages are used the landing place of each winding compartment shall be provided with a self-closing cover, gate or gates. Shaft cover self-closing where cages are used.

35. At every shaft station where it is necessary for workmen to pass from one side of the shaft to another provision shall be made for them to do so without entering or crossing a winding compartment; such passage shall be securely protected from moving parts of machinery. Provision for workmen passing from one compartment to another.

36. (a) Entering or crossing a winding compartment of a shaft is prohibited except for ascending or descending and for purposes of maintenance and repairs. Entering the winding compartment prohibited.

(b) This regulation shall not apply to persons employed in timbering vertical shafts whilst sinking operations are being continued.

37. No winding shall be permitted whilst repairs in the winding compartment are being made beyond what is necessary for such repairs. This 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. The word "repairs" mentioned in this regulation and in Regulation 36 shall be taken to include the oiling of rollers and pulleys. Winding prohibited during repairs.

38. Every winding-shaft exceeding 100 feet in depth shall be provided with some efficient means of interchanging distinct and definite signals between the surface and all working places and stations in it. Shaft signals required.

39. (a) The engine driver is prohibited from starting his engine before he has received a distinct signal. Distinct signal to be received before starting engine.

(b) Only persons duly authorized by the manager or mine captain are allowed to give a signal, other than the accident signal. Persons authorized to give signals.

40. In signalling the following shaft signals shall be used— Code of Signals.

Knocks or Rings.

- 1 — Raise, when engine is at rest.
- 1 — Stop, when engine is in motion.
- 2 — Lower.
- 3 — Men about to ascend or descend.
- 3 — In reply, men may enter cage or other conveyance.
- 10 — Accident signal.

Quality and condition of winding ropes.

37. Ropes used for winding purposes shall be of good condition and of good quality and manufacture. Every rope used for winding purposes in shafts and winzes shall be made of steel wire, and the wires used in the construction of the ropes shall be of size suitable for use with the sheaves and drums fitted.

Securing of projecting materials during winding.

28. When tools, wood or other materials are to be lowered or hoisted in any shaft, the ends, if projecting above the top of the bucket, kibble or other vehicle shall be securely fastened to the winding rope or the bow.

Sinking bucket: amount of filling allowed

29. (a) In shaft-sinking the bucket or other receptacle shall be filled only to the level of the brim.

Bucket to be steadied before starting

(b) Before the bucket or other receptacle leaves the top or bottom of the shaft or winze, it shall be steadied under the supervision of the workman in charge.

Cage or skip, etc., to be stopped before reaching the bottom

30. In no case shall any cage, skip, kibble or other receptacle be directly lowered to the bottom of a shaft when men are working there, but shall be stopped at least fifteen feet above the bottom until the signal to lower further has been given by one of the sinkers thereat. This regulation shall not apply where shafts are less than 50 feet in depth.

Ladders in sinking shafts

31. Ladder ways shall be provided in all shafts including those in the course of sinking to within such distance of the bottom as will secure them from damage in blasting, and from the ends of such ladder ways chains or chain ladders shall be extended to the bottom of the shaft. This regulation shall not apply to shafts less than 100 feet in depth.

Guides for conveyances in shafts.

32. In all shafts exceeding 200 feet in depth suitable guides shall form part of the equipment for lowering and hoisting

Protection of workmen in shaft sinking

33. (a) When a shaft has no separate ladder way under which those engaged in sinking may find shelter during the winding of rock, materials or water, sufficient protection shall be provided by a suitable covering.

(b) Should a shaft be sunk deeper whilst ordinary winding is going on the men employed at the bottom of such shaft shall be securely protected by a cover over-head.

34. In vertical shafts where cages are used the landing place of each winding compartment shall be provided with a self-closing cover, gate or gates. Shaft cover self-closing where cages are used.

35. At every shaft station where it is necessary for workmen to pass from one side of the shaft to another provision shall be made for them to do so without entering or crossing a winding compartment; such passage shall be securely protected from moving parts of machinery. Provision for workmen passing from one compartment to another.

36. (a) Entering or crossing a winding compartment of a shaft is prohibited except for ascending or descending and for purposes of maintenance and repairs. Entering the winding compartment prohibited.

(b) This regulation shall not apply to persons employed in timbering vertical shafts whilst sinking operations are being continued.

37. No winding shall be permitted whilst repairs in the winding compartment are being made beyond what is necessary for such repairs. This 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. The word "repairs" mentioned in this regulation and in Regulation 36 shall be taken to include the oiling of rollers and pulleys. Winding prohibited during repairs.

38. Every winding-shaft exceeding 100 feet in depth shall be provided with some efficient means of interchanging distinct and definite signals between the surface and all working places and stations in it. Shaft signals required.

39. (a) The engine driver is prohibited from starting his engine before he has received a distinct signal. Distinct signal to be received before starting engine.

(b) Only persons duly authorized by the manager or mine captain are allowed to give a signal, other than the accident signal. Persons authorized to give signals.

40. In signalling the following shaft signals shall be used— Code of Signals.

Knocks or Rings.

- 1 — Raise, when engine is at rest.
- 1 — Stop, when engine is in motion.
- 2 — Lower.
- 3 — Men about to ascend or descend.
- 3 — In reply, men may enter cage or other conveyance.
- 10 — Accident signal.

In no case shall any person enter a cage or other conveyance until the back signal "3" has been received.

41. (a) The engine-driver when receiving the signal "1" or "2" signifying to raise or lower any person must wait at least 10 seconds before starting his engine.

(b) No engine-driver shall act on any signal if he has been unable to do so within 60 seconds after receiving it and shall await a fresh signal.

Special signals.

42. (a) Special signals in addition to the above may be used at any mine provided that they are easily distinguishable by their sound or otherwise from the foregoing code, and do not interfere with it in any way.

(b) The before-mentioned code of signals, specified in Regulation 40, as well as any special signals that may be in use on a mine, shall be painted on a board or enamelled plate, not less than 20 inches by 20 inches, in the form of a distinctly legible notice in English and in the vernacular, and shall be posted up in the engine room, at the top of the shaft, and at all shaft stations for the time being in use.

Signals legible notice boards required.

Blasting signal in shaft sinking

43. In shaft sinking special care must be taken that the engine-driver is notified by a prearranged signal when blasting is about to take place, so that he may be ready instantly to raise persons employed in blasting on receipt of the final signal.

(b) *Raising or Lowering Persons by Mechanical Power.*

Winding persons, permission required.

44. (1) No winding plant shall be used for the raising or lowering of persons unless the special written permission of the Inspector of Mines has been granted.

(2) Permission shall not be granted unless the foregoing regulations have been complied with so far as they are applicable and unless the following special conditions are observed:—

(a) By actual test it shall be proved to the satisfaction of the Inspector of Mines—

(i) That the winding engine running at various speeds with light and heavy loads, can be readily retarded and stopped, and after stopping can be immediately started again in either direction by the engine driver;

Winding engine to be easily manipulated.

(i) that the winding engine can lift from bottom to top of shaft the maximum unbalanced load on one drum; Winding engine capacity.

(ii) that each winding drum, unclutched from the engine can be maintained in a position of rest with no more slipping than 1 foot, by the unaided effort of its own brake or brakes when bearing double the authorized load of the cage or skip. In estimating the authorized load 150 lb. weight shall be allotted for each person; Efficiency of brakes.

(iv) that in the case of a hoist, where no part of the rope is rigidly fixed to the drum, there shall be no dangerous slipping of the rope on the drum under any possible working condition. Rope slip on drums.

(b) The headgear shall be carried without obstruction to the skipway to such a height as to allow a clearance of at least 25 feet in which the cage or similar contrivance can travel freely in case of an overwind. The Commissioner of Mines may grant permission for use of headgears which were erected previous to these regulations coming into force, and which do not comply with the above conditions. Height of headgear and clearance necessary.

(c) Winding ropes shall be made of steel of the best quality and manufacture, free from any defect and the wires used in the construction of the ropes shall be of sizes suitable for use with the sheaves and drums fitted. Winding ropes shall not be used for raising or lowering persons when, owing to deterioration, the breaking strain has become reduced to below six times the maximum working load. Winding ropes, quality and manufacture.

The working load includes the weight of rope in the shaft when at the lowest working point.

(d) At the request of the Inspector of Mines an adequate sample from the end of any winding rope shall be supplied to him; also such data as may be required regarding manufacture, dimensions and class of steel. Winding ropes, sample to be supplied to Inspector of Mines.

(e) Winding ropes newly put on, as also connecting attachments between the ropes and the cage, skip or other conveyance, shall be carefully examined and properly tested as to their working strength by some competent and reliable person authorized thereto by the manager, and shall be used for the ordinary Winding ropes and connections to be examined and tested before used for winding persons.

In no case shall any person enter a cage or other conveyance until the back signal "3" has been received.

41. (a) The engine-driver when receiving the signal "1" or "2" signifying to raise or lower any person must wait at least 10 seconds before starting his engine.

(b) No engine-driver shall act on any signal if he has been unable to do so within 60 seconds after receiving it and shall await a fresh signal.

Special signals:

42. (g) Special signals in addition to the above may be used at any mine provided that they are easily distinguishable by their sound or otherwise from the foregoing code, and do not interfere with it in any way.

Signals: legible notices boards required.

(b) The before-mentioned code of signals, specified in Regulation 40, as well as any special signals that may be in use on a mine, shall be painted on a board or enamelled plate, not less than 20 inches by 20 inches, in the form of a distinctly legible notice in English and in the vernacular, and shall be posted up in the engine room, at the top of the shaft, and at all shaft stations for the time being in use.

Blasting signal in shaft sinking.

43. In shaft sinking special care must be taken that the engine-driver is notified by a prearranged signal when blasting is about to take place, so that he may be ready instantly to raise persons employed in blasting on receipt of the final signal.

(b) *Raising or Lowering Persons by Mechanical Power.*

Winding persons, permission required.

44. (1) No winding plant shall be used for the raising or lowering of persons unless the special written permission of the Inspector of Mines has been granted.

(2) Permission shall not be granted unless the foregoing regulations have been complied with so far as they are applicable and unless the following special conditions are observed:—

(a) By actual test it shall be proved to the satisfaction of the Inspector of Mines—

(i) That the winding engine running at various speeds with light and heavy loads, can be readily retarded and stopped, and after stopping can be immediately started again in either direction by the engine-driver:

Winding engine to be easily manipulated.

(ii) that the winding engine can lift from bottom to top of shaft the maximum unbalanced load on one drum; Winding engine capacity.

(iii) that each winding drum, unclutched from the engine can be maintained in a position of rest with no more slipping than 1 foot, by the unaided effort of its own brake or brakes when bearing double the authorized load of the cage or skip. In estimating the authorized load 150 lb. weight shall be allotted for each person; Efficiency of brakes.

(iv) that in the case of a hoist, where no part of the rope is rigidly fixed to the drum, there shall be no dangerous slipping of the rope on the drum under any possible working condition. Rope slip on drums.

(b) The headgear shall be carried without obstruction to the skipway to such a height as to allow a clearance of at least 25 feet in which the cage or similar contrivance can travel freely in case of an overwind. The Commissioner of Mines may grant permission for use of headgears which were erected previously to these regulations coming into force, and which do not comply with the above conditions. Height of head-gear and clearance necessary.

(c) Winding ropes shall be made of steel of the best quality and manufacture, free from any defect and the wires used in the construction of the ropes shall be of sizes suitable for use with the sheaves and drums fitted. Winding ropes shall not be used for raising or lowering persons when, owing to deterioration, the breaking strain has become reduced to below six times the maximum working load. Winding ropes: quality and manufacture.

The working load includes the weight of rope in the shaft when at the lowest working point.

(d) At the request of the Inspector of Mines an adequate sample from the end of any winding rope shall be supplied to him; also such data as may be required regarding manufacture, dimensions and class of steel. Winding ropes: sample to be supplied to Inspector of Mines.

(e) Winding ropes newly put on, as also connecting attachments between the ropes and the cage, skip or other conveyance, shall be carefully examined and properly tested as to their working strength by some competent and reliable person authorized thereto by the manager, and shall be used for the ordinary Winding ropes and connections to be examined and tested before using for winding persons.

transport of persons in shafts only after having run two complete trips up and down the working portion of the shaft, the cage or skip being loaded to the full authorized extent. The result of the above examination shall be immediately recorded in a book which shall always be accessible to the Inspector of Mines.

Covers and safety catches required.

Doors required for cages.

Flanges or other appliances on drums to prevent slipping.

Minimum amount of rope allowed on drums.

Attachment of rope to drums.

Reliable depth indicator necessary.

Change of gradient necessitating reduction of speed to be shown on indicator.

Speed indicator may be required.

- (f) Cages, skips and other conveyances used in vertical and steeply inclined shafts shall have a proper roof or cover and shall have proper safety catches where applicable. Cage entrances shall be fitted with doors so as to prevent any portion of the body of any person riding therein from accidentally coming into contact with the timbering or sides of the shaft, and the doors must be constructed in such a manner that they cannot open of themselves.

- (g) There shall be on the drum of the winding engine such flanges or horns, and also, if the drum is conical or spiral, such other appliances as may be sufficient to prevent the rope from slipping laterally.

- (h) There shall be not less than three rounds of rope upon the drum when the cage or other conveyance is at the lowest point of the shaft from which hoisting is being conducted.

The end of the rope shall be properly fastened to the drum.

- (i) When it is considered necessary by the Inspector of Mines every engine used in raising or lowering persons shall be provided with a reliable depth indicator, in addition to any marks on the rope, which will clearly and accurately show to the engine-driver on his driving seat at all times the position of the cage or other conveyance in the shaft and which will, moreover, in shafts exceeding 300 feet in depth ring a bell in the engine room when the conveyance is 60 feet from the top landing place.
- (f) Where difference of gradient in a shaft necessitates reduction of winding speed such position shall be plainly marked on the depth indicator.
- (k) A reliable speed indicator must be attached to the winding engine if considered necessary by the Inspector of Mines.

- (l) A suitable automatic device to prevent overwinding of cages or other conveyances shall be provided at every winding shaft or winding engine where the speed of winding is in excess of 250 feet per minute.

Provision against overwinding.

- (m) If the winding apparatus cannot be provided with some automatic contrivance to prevent overwinding, then the cage or other conveyance, when men are being raised, shall not be wound at a speed exceeding 250 feet per minute after the cage or other conveyance has reached a point in the shaft to be fixed by the Inspector of Mines.

Maximum speed where automatic contrivance is not fitted.

45. Where winding in shafts in accordance with Regulation 44 is permitted, the following regulations must be strictly observed:—

Regulations where winding person is permitted.

- (a) One, or more than one, competent person, specially deputed by the manager for the purpose, and whose name or names must be registered by him in a record book, such book to be termed the Machinery Record Book, shall carefully examine—

Machinery Record Book to be kept of examinations.

- (i) at least once a day the aerial gear, the winding ropes, and their attachment to the cages and drums or buckets, the brakes, depth indicators, the cages and their safety catches, the pulley wheels and all and every external part of the winding arrangements upon the proper working of which life depends;
- (ii) at least once a week the guides and the winding compartments generally, the signalling apparatus and the external parts of the winding engine;

Examination of winding ropes and attachments to be made once a day.

- (iii) at least once a year the winding engine as to the working condition of the internal parts;

Examination of guides, winding compartment, signalling apparatus and external parts of engine once a week.

- (iv) at least once a month the structure of the rope for the purpose of discovering the amount of the deterioration of same. For the purpose of this examination the rope must be thoroughly cleaned at selected places.

Condition of rope once a month.

transport of persons in shafts only after having run two complete trips up and down the working portion of the shaft, the cage or skip being loaded to the full authorized extent. The result of the above examination shall be immediately recorded in a book which shall always be accessible to the Inspector of Mines.

Covers and safety catches required.

Doors required for cages.

Flanges or other appliances on drums to prevent slipping.

Minimum amount of rope allowed on drums.

Attachment of rope to drums.

Reliable depth indicator necessary.

Change of gradient necessitating reduction of speed to be shown on indicator.

Speed indicator may be required.

- (f) Cages, skips and other conveyances used in vertical and steeply inclined shafts shall have a proper roof or cover and shall have proper safety catches where applicable. Cage entrances shall be fitted with doors so as to prevent any portion of the body of any person riding therein from accidentally coming into contact with the timbering or sides of the shaft, and the doors must be constructed in such a manner that they cannot open of themselves.

- (g) There shall be on the drum of the winding engine such flanges or horns, and also, if the drum is conical or spiral, such other appliances as may be sufficient to prevent the rope from slipping laterally.

- (h) There shall be not less than three rounds of rope upon the drum when the cage or other conveyance is at the lowest point of the shaft from which hoisting is being conducted.

The end of the rope shall be properly fastened to the drum.

- (i) When it is considered necessary by the Inspector of Mines every engine used in raising or lowering persons shall be provided with a reliable depth indicator, in addition to any marks on the rope, which will clearly and accurately show to the engine-driver on his driving seat at all times the position of the cage or other conveyance in the shaft and which will, moreover, in shafts exceeding 300 feet in depth ring a bell in the engine room when the conveyance is 60 feet from the top landing place.

- (j) Where difference of gradient in a shaft necessitates reduction of winding speed such position shall be plainly marked on the depth indicator.

- (k) A reliable speed indicator must be attached to the winding engine if considered necessary by the Inspector of Mines.

- (l) A suitable automatic device to prevent overwinding of cages or other conveyances shall be provided at every winding shaft or winding engine where the speed of winding is in excess of 250 feet per minute.

Provision against overwinding.

- (m) If the winding apparatus cannot be provided with some automatic contrivance to prevent overwinding, then the cage or other conveyance, when men are being raised, shall not be wound at a speed exceeding 250 feet per minute after the cage or other conveyance has reached a point in the shaft to be fixed by the Inspector of Mines.

Maximum speed where automatic contrivance is not fitted.

45. Where winding in shafts in accordance with Regulation 44 is permitted, the following regulations must be strictly observed:

Regulations where winding persons is permitted.

- (a) One, or more than one, competent person, specially deputed by the manager for the purpose, and whose name or names must be registered by him in a record book, such book to be termed the Machinery Record Book, shall carefully examine—

Machinery Record Book to be kept of examinations.

- (i) at least once a day the aerial gear, the winding ropes, and their attachment to the cages and drums or buckets, the brakes, depth indicators, the cages and their safety catches, the pulley wheels and all and every external part of the winding arrangements upon the proper working of which life depends;

Examination of winding ropes and attachments to be made once a day.

- (ii) at least once a week the guides and the winding compartments generally, the signalling apparatus and the external parts of the winding engine;

Examination of guides, winding compartment, signalling apparatus and external parts of engine once a week.

- (iii) at least once a year the winding engine as to the winding condition of the internal parts;

Winding engine internally once a year.

- (iv) at least once a month the structure of the rope for the purpose of discovering the amount of the deterioration of same. For the purpose of this examination the rope must be thoroughly cleaned at selected places.

Condition of rope once a month.

Machinery Record Book to be entered up and signed by person making inspection.

Any defects to be made good before persons are allowed to be lowered or raised.

Defective ropes not to be used for transporting persons.

Spare rope to be kept where persons are hoisted.

Precautions against access to signal wires.

No person allowed to ride on side or bow of skip.

Riding in partially loaded skips or buckets when forbidden.

Conveyance must not be crowded.

Persons travelling prohibited from changing position.

- (v) A true report of the result of every examination above mentioned shall be recorded without delay in the Machinery Record Book which must be kept at the mine especially for the purpose, and shall be signed by the person who made the inspection. This record book shall at all times be open for the inspection of the Inspector of Mines or his deputy. Should, as a result of such examination, any weakness or defect be discovered by which life or limb might be endangered, the defect shall be immediately reported to the manager and remedied and no person shall be lowered or raised until the defect is made good.
- (b) So soon as the rope becomes defective it shall no longer be used for the transport of persons unless the damaged part be at the end and be cut off.
- (c) At every mine where persons are raised or lowered, at least one spare rope of the description as provided for in Regulation 44, sub-section (e), shall always be kept in reserve ready for use.
- (d) Special instructions shall be issued by the manager forbidding access to signal wires to any person other than those in charge of them, and special care shall be taken to guard against the signal wires being accidentally put into operation.
- (e) No one is allowed to ascend or descend a shaft on the side or bow of the skip, or on the top of a loaded truck or skip, unless the permission of the Inspector of Mines has been previously obtained.
- Riding in partially loaded cages, skips or buckets is only permitted to persons in charge of underground works, sinkers and to workmen employed to do repairs in the shafts. The same applies to unprotected cages, skips or buckets in vertical or steeply inclined shafts.
- (f) In no case shall a greater number of persons ride in any cage or other conveyance at any one time than has been duly authorized by the Inspector of Mines.
- (g) A person travelling in a cage or other conveyance is prohibited from changing his position therein whilst the conveyance is in motion.

(h) After any stoppage of winding for repairs or for any other purpose exceeding two hours' duration each cage or other conveyance, before any person is allowed to ride therein, must be run a complete trip up and down the working portion of the shaft at least once with a view of ensuring that everything is in good working order.

(i) When winding persons, the engine-driver shall in no case be allowed to run the engine at a greater speed than that fixed upon when the permission to use the engine for the purpose was granted, and he shall take care that shocks in starting and bringing the engine to rest are avoided and that cages or other conveyances are set down gently at stopping places.

(j) 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 banksmen and skipmen who shall be responsible for the observance of regulations (e), (f) and (h) hereof, for the giving of the correct signals, and for the proper closing of the doors and covers of the cages.

(k) No person shall speak to or in any way distract the attention of the person operating a winding engine whilst it is in motion.

(c) *Underground Tramways.*

46. The following regulation shall apply to underground tramways—

(a) where traction is operated by machinery a signalling apparatus shall be provided by which distinct signals can be given to the engine-driver from any part of the tramway;

(b) where traction is operated by gravity and the inclined plane exceeds 150 feet in length some efficient means of communicating distinct signals between stopping places shall be provided;

In either of the cases (a) or (b) where persons are allowed to travel, places of refuge (manholes) at intervals of not more than 50 feet shall be provided if there is not ample room for

Conveyance to run a complete trip after repairs or stoppage exceeding two hours.

Speed of winding persons and precautions against shocks.

Persons qualified to give signal for transporting men and their responsibilities.

Speaking to or in any way distracting the attention of engine driver when engine in motion strictly prohibited.

Signalling apparatus to be provided.

Signals in self-acting inclines.

Refuges to be provided where necessary and kept clear.

Machinery Record Book to be entered up and signed by person making inspection.

Any defects to be made good before persons are allowed to be lowered or raised.

Defective ropes not to be used for transporting persons.

Spare rope to be kept where persons are hoisted.

Precautions against access to signal wires.

No person allowed to ride on side or bow of skip.

Riding in partially loaded skips or buckets; when forbidden.

Conveyance must not be crowded.

Persons travelling prohibited from changing position.

- (v) A true report of the result of every examination above mentioned shall be recorded within day in the Machinery Record Book which must be kept at the mine especially for the purpose, and shall be signed by the person who made the inspection. This record book shall at all times be open for the inspection of the Inspector of Mines or his deputy. Should, as a result of such examination, any weakness or defect be discovered by which life or limb might be endangered, the defect shall be immediately reported to the manager and remedied and no person shall be lowered or raised until the defect is made good.
- (b) So soon as the rope becomes defective it shall no longer be used for the transport of persons unless the damaged part be at the end and be cut off.
- (c) At every mine where persons are raised or lowered, at least one spare rope of the description as provided for in Regulation 44, sub-section (e), shall always be kept in reserve ready for use.
- (d) Special instructions shall be issued by the manager forbidding access to signal wires to any person other than those in charge of them, and special care shall be taken to guard against the signal wires being accidentally put into operation.
- (e) No one is allowed to ascend or descend a shaft on the side or bow of the skip, or on the top of a loaded truck or skip, unless the permission of the Inspector of Mines has been previously obtained.
- Riding in partially loaded cages, skips or buckets is only permitted to persons in charge of underground works, sinkers and to workmen employed to do repairs in the shafts. The same applies to unprotected cages, skips or buckets in vertical or steeply inclined shafts.
- (f) In no case shall a greater number of persons ride in any cage or other conveyance at any one time than has been duly authorized by the Inspector of Mines.
- (g) A person travelling in a cage or other conveyance is prohibited from changing his position therein whilst the conveyance is in motion.

- (h) After any stoppage of winding for repairs or for any other purpose exceeding two hours' duration each cage or other conveyance, before any person is allowed to ride therein, must be run a complete trip up and down the working portion of the shaft at least once with a view of ensuring that everything is in good working order.
- (i) When winding persons, the engine driver shall in no case be allowed to run the engine at a greater speed than that fixed upon when the permission to use the engine for the purpose was granted, and he shall take care that shocks in starting and bringing the engine to rest are avoided and that cages or other conveyances are set down gently at stopping places.
- (j) 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 banksmen and skipmen who shall be responsible for the observance of regulations (c), (f) and (h) hereof, for the giving of the correct signals, and for the proper closing of the doors and covers of the cages.
- (k) No person shall speak to or in any way distract the attention of the person operating a winding engine whilst it is in motion.

Conveyance to run a complete trip after repairs or stoppage exceeding two hours.

Speed of winding persons and precautions against shocks.

Persons qualified to give signal for transporting men and their responsibilities.

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In either of the cases (a) or (b) where persons are allowed to travel, places of refuge (manholes) at intervals of not more than 50 feet shall be provided if there is not ample room for

Refuges to be provided where necessary and kept clear.

a person to stand between the moving trucks and the wall. Every place of refuge shall be constantly kept clear.

UNDERGROUND MINING.

Employment underground.

47. No female and no male under the age of fourteen years shall be employed in any underground working.

Ladders and ways of exit.

48. The claim-holder, lessee or his agent shall provide and maintain to the satisfaction of the Inspector of Mines such ladder or other ways as will furnish effectual means of exit from any underground workings or of ascent of persons without the assistance of winding machinery.

Distance between shafts.

49. No shaft shall be sunk within thirty feet of any other shaft without the written permission of the Inspector of Mines.

Second outlet may be necessary.

50. Where in any working served by one shaft only the Inspector of Mines finds that a second outlet has become necessary, either for the safety of the workmen employed or for proper ventilation, the manager shall provide such with all reasonable despatch.

All entrances to shafts and winzes to be fenced.

51. The top of all haulage and pumping shafts and all entrances between the top and bottom of such shafts and the tops of all winzes in levels shall be kept properly fenced: Provided that any such fence may under proper precautions be temporarily removed for the purpose of repair or other necessary operation.

Work on one face to cease when connections are 40 feet apart.

52. When connecting workings are approaching each other work on one face shall cease upon the distance apart reaching forty feet. The surveyor shall be held responsible for informing the manager or mine captain when two approaching faces reach this distance from each other.

TRAVELLING AND LADDER WAYS.

Where a single shaft is allowed a proper ladder way shall be provided.

53. Where any single shaft exceeding one hundred feet in depth is allowed to form the only means of ingress and egress to the persons employed underground, such shaft shall be provided with a proper ladder way.

Platforms to be provided in ladder ways.

54. (a) In ladder ways exceeding 50 feet in depth and having an inclination of more than 70 degrees from the horizontal, resting places (platforms) shall be provided at convenient intervals.

(b) In all ladder ways in shafts, collars shall be fixed at not more than 30 feet apart and wherever possible in such a way that no two consecutive manholes are in vertical line.

55. No ladder shall be erected more than 60 degrees from the horizontal except with the written permission of the Inspector of Mines. Maximum inclination of ladders.

56. Every ladder shall be so erected that it covers the lower manhole. Ladders to cover the manholes.

57. The fixing of ladders in an overhanging position in travelling ways is prohibited. Fixing in overhanging position prohibited.

58. Every ladder in a mine shall be—
(a) of strong construction, and the staves shall be bolted at not less than two places;
(b) securely fastened to the timbering of walls of the shaft, winze, or stope; and
(c) maintained in good repair. Fastening of ladders.

59. Every ladder shall project at least 3 feet above the collar of the shaft or winze and above every resting place or platform therein, except when strong handrails are fixed at such places. Ladders to be kept in good repair.

60. In vertical or steeply inclined shafts where one compartment is used as a foot travelling way it shall be securely bratticed from the other compartments. In all other shafts the foot travelling way or ways shall be adequately railed so as to prevent any person inadvertently entering the winding compartment. Ladders to project three feet above all shafts, winzes and platforms.

61. (a) In all mines where the raising or lowering of persons by means of machinery is prohibited, only such travelling way or ways shall be used in ascending and descending as are especially set apart for the purpose. Travelling ways in shafts to be bratticed or securely fenced.

(b) The use of other shaft compartments as a means of ingress or egress is permitted only to those persons who are charged with the making of inspections or repairs. Special travelling ways to be used where winding of persons is prohibited.

62. Carrying tools or any loose materials up or down the ladder ways in vertical or steeply inclined shafts or winzes is prohibited, except where absolutely necessary. Only persons doing repairs may use other means.

Carrying tools or loose materials in ladder way prohibited.

a person to stand between the moving trucks and the wall. Every place of refuge shall be constantly kept clear.

UNDERGROUND MINING.

Employment underground.

47. No female and no male under the age of fourteen years shall be employed in any underground working.

Ladders and ways of exit.

48. The claim-holder, lessee or his agent shall provide and maintain to the satisfaction of the Inspector of Mines such ladder or other ways as will furnish effectual means of exit from any underground workings or of ascent of persons without the assistance of winding machinery.

Distance between shafts.

49. No shaft shall be sunk within thirty feet of any other shaft without the written permission of the Inspector of Mines.

Second outlet may be necessary.

50. Where in any working served by one shaft only the Inspector of Mines finds that a second outlet has become necessary, either for the safety of the workmen employed or for proper ventilation, the manager shall provide such with all reasonable despatch.

All entrances to shafts and winzes to be fenced.

51. The top of all haulage and pumping shafts and all entrances between the top and bottom of such shafts and the tops of all winzes in levels shall be kept properly fenced: Provided that any such fence may under proper precautions be temporarily removed for the purpose of repair or other necessary operation.

Work on one face to cease when connections are 40 feet apart.

52. When connecting workings are approaching each other work on one face shall cease upon the distance apart reaching forty feet. The surveyor shall be held responsible for informing the manager or mine captain when two approaching faces reach this distance from each other.

TRAVELLING AND LADDER WAYS.

Where a single shaft is allowed a proper ladder way shall be provided.

53. Where any single shaft exceeding one hundred feet in depth is allowed to form the only means of ingress and egress to the persons employed underground, such shaft shall be provided with a proper ladder way.

Platforms to be provided in ladder ways.

54. (c) In ladder ways exceeding 50 feet in depth and having an inclination of more than 70 degrees from the horizontal, resting places (platforms) shall be provided at convenient intervals.

(b) In all ladder ways in shafts, sallows shall be fixed at not more than 30 feet apart and wherever possible in such a way that no two consecutive manholes are in vertical line.

55. No ladder shall be erected more than 80 degrees from the horizontal except with the written permission of the Inspector of Mines. Maximum inclination of ladders.

56. Every ladder shall be so erected that it covers the lower manhole. Ladders to cover the manholes.

57. The fixing of ladders in an overhanging position in travelling ways is prohibited. Fixing in overhanging position prohibited.

58. Every ladder in a mine shall be— Construction and fastening of ladders.

(a) of strong construction, and the staves shall be bolted at not less than two places;

(b) securely fastened to the timbering of walls of the shaft, winze, or stop; and

(c) maintained in good repair.

Ladders to be kept in good repair.

59. Every ladder shall project at least 3 feet above the collar of the shaft or winze and above every resting place or platform therein, except when strong handrails are fixed at such places. Ladders to project three feet above all shafts winzes and platforms.

60. In vertical or steeply inclined shafts where one compartment is used as a foot travelling way it shall be securely bratticed from the other compartments. In all other shafts the foot travelling way or ways shall be adequately railed so as to prevent any person inadvertently entering the winding compartment. Travelling ways in shafts to be bratticed or securely fenced.

61. (a) In all mines where the raising or lowering of persons by means of machinery is prohibited, only such travelling way or ways shall be used in ascending and descending as are specially set apart for the purpose. Special travelling ways to be used where winding of persons is prohibited.

(b) The use of other shaft compartments as a means of ingress or egress is permitted only to those persons who are charged with the making of inspections or repairs. Only persons doing repairs may use them.

62. Carrying tools or any loose materials up or down the ladder ways in vertical or steeply inclined shafts or winzes is prohibited, except where absolutely necessary. Carrying tools or loose materials in ladder way prohibited.

VENTILATION.

63. All parts of every underground working shall be properly and sufficiently ventilated to the satisfaction of the Inspector of Mines.

64. (a) Underground works, especially shafts, sumps and winzes which have been in disuse for some time, shall be tested with a candle flame before being used again, in order to ascertain whether or not foul air or other dangerous gases have accumulated there. Until such places are fit to work in no person shall be allowed to enter.

(b) In coal mines safety lamps shall be used for this purpose.

LIGHTING.

Stationary lights to be used at all stations.

65. Adequate stationary lights shall be provided during working hours at all stations in vertical and inclined shafts as well as at stopping places in levels where winding or hauling is effected by means of machinery and at night at all working places on the surface.

66. All places where winding, pumping or other machinery is erected in the proximity of which persons are working and moving about, and which are not fenced in such a way that it is impossible for anyone to come inadvertently in contact with the machinery, shall be so lighted whilst in operation that the moving parts of the same can be clearly distinguished.

Moving about without a light underground prohibited.

67. No person is allowed to move about in any un-illuminated part of a mine without a light.

WORKMEN.

Record of all employees must be kept.

68. A sufficient record must be kept in the office at every mine of all persons, non-native and native, employed in and about the mine.

Intoxicated persons are not allowed in or about mine.

69. No person in a state of intoxication or in any other condition which may render or be likely to render him incapable of taking care of himself or of persons under his charge shall be allowed to enter a mine or be in proximity to any working place on the surface or near to any machinery in motion within any mining property; and any person who may have entered a mine or be found in any working place above or below ground in a condition unfit for work owing to intoxication may be immediately arrested by the manager

or some person duly appointed by him and handed over to the police and shall be deemed guilty of an offence against these regulations.

70. No intoxicating liquor shall be taken by any person into any mine or into any place of work at a mine except with the special permission of the manager, and any workman having any intoxicating liquor in his possession whilst at work or at a place of work shall be deemed guilty of an offence against these regulations.

No intoxicating liquor allowed.

EXPLOSIVES.

(a) Storage of Explosives.

71. Unless the written consent of the Inspector of Mines has been previously obtained not more than 100 lb. of dynamite or other high explosive shall be kept at any one time at any one place in a mine except in a registered "Explosives Magazine."

Amount of explosives allowed without a proper magazine.

72. Where on the surface the quantity of explosive is only 100 lb. or less the same shall be kept in safe and secure wooden boxes which shall not be placed within 100 feet of anything liable to ignition, or of a furnace, steam boiler, entrance to or outlet of a mine, or of a shaft in course of sinking.

Storage of explosives without a magazine.

73. No explosives, for use in connexion with prospecting or mining operations, except in the quantities set forth in Regulation 72 may be stored except in an "Explosives Magazine" and under such conditions as set forth hereafter. and no explosives shall be so stored unless they are intended exclusively for the prospecting and mining operations in question.

Storage—Conditions of.

74. If at any time it may appear desirable in the public interest the Commissioner of Mines shall have the power to order the removal of any explosives magazine.

Removal of explosives magazine.

75. No explosives magazine shall be established until a certificate issued by an inspector under the Explosives Ordinance, No. XIII of 1929, has been endorsed by the Inspector of Mines to the effect that the requirements of the Explosives Rules, 1931, have been met.

Certificate required.

VENTILATION.

All underground workings to be sufficiently ventilated.

Disused workings to be examined before being again used.

Stationary lights to be used at all stations.

Working parts of machinery to be well lighted.

Moving about without a light underground prohibited.

Record of all employees must be kept.

Intoxicated persons are not allowed in, or about a mine.

63. All parts of every underground working shall be properly and sufficiently ventilated to the satisfaction of the Inspector of Mines.

64. (a) Underground works, especially shafts, sumps and winzes which have been in disuse for some time, shall be tested with a candle flame before being used again, in order to ascertain whether or not foul air or other dangerous gases have accumulated there. Until such places are fit to work in no person shall be allowed to enter.

(b) In coal mines safety lamps shall be used for this purpose.

LIGHTING.

65. Adequate stationary lights shall be provided during working hours at all stations in vertical and inclined shafts as well as at stopping places in levels where winding or hauling is effected by means of machinery and at night at all working places on the surface.

66. All places where winding, pumping or other machinery is erected in the proximity of which persons are working and moving about, and which are not fenced in such a way that it is impossible for anyone to come inadvertently in contact with the machinery, shall be so lighted whilst in operation that the moving parts of the same can be clearly distinguished.

67. No person is allowed to move about in any unilluminated part of a mine without a light.

WORKMEN.

68. A sufficient record must be kept in the office at every mine of all persons, non-native and native, employed in and about the mine.

69. No person in a state of intoxication or in any other condition which may render or be likely to render him incapable of taking care of himself or of persons under his charge shall be allowed to enter a mine or be in proximity to any working place on the surface or near to any machinery in motion within any mining property; and any person who may have entered a mine or be found in any working place above or below ground in a condition unfit for work owing to intoxication may be immediately arrested by the manager

or some person duly appointed by him and handed over to the police and shall be deemed guilty of an offence against these regulations.

70. No intoxicating liquor shall be taken by any person into any mine or into any place of work at a mine except with the special permission of the manager, and any workman having any intoxicating liquor in his possession whilst at work or at a place of work shall be deemed guilty of an offence against these regulations.

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73. No explosives, for use in connexion with prospecting or mining operations, except in the quantities set forth in Regulation 72 may be stored except in an Explosives Magazine and under such conditions as set forth hereafter, and no explosives shall be so stored unless they are intended exclusively for the prospecting and mining operations in question.

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75. No explosives magazine shall be established until a certificate issued by an inspector under the Explosives Ordinance, No. XIII of 1929, has been endorsed by the Inspector of Mines to the effect that the requirements of the Explosives Rules, 1931, have been met.

(b) *Transport of Explosives.*

Transporting detonators with dynamite forbidden.

76. In no case may detonators be transported in the same vehicle or carried in the same case or canister with dynamite or any other nitro-glycerine compounds.

Notice to engine driver.

77. Proper notice shall be given to the engine-driver by the banksman immediately before explosives are conveyed in a shaft by means of machinery.

Conveyance of explosives in shaft.

78. The engine-driver shall gently lower or raise the cage or other conveyance containing explosives, and the explosives may be placed in or taken out of the shaft conveyance only by the person duly authorized.

Carrying explosives precautions.

79. Whilst carrying explosives (unless such explosives be contained in unopened cases), persons are not permitted to carry any light. Underground they shall be preceded by a person carrying a light, whose duty it shall be to give proper warning of the approach of explosives.

(c) *General.*

Disposal on mine closing down.

80. When any mine is closed down all explosives shall be disposed of, and no explosives may be stored in any such closed-down mine without the permission of the Inspector of Mines.

Temporary charge.

81. Any person in whose temporary charge explosives have been lawfully left shall be responsible therefor until some other person, not an aboriginal native, accepts charge thereof.

Removal.

No person shall take away from a mine any explosive without the written permission of the manager.

Possession.

No person shall secrete or be in possession of explosives in a mine except as provided for in these regulations.

BLASTING, DUTIES OF GANGERS, ETC.

Blasting certificates.

82. (a) No person shall conduct or be allowed to conduct any blasting operations in a mine unless he holds a miner's blasting certificate.

(b) Such certificate will be issued by the Inspector of Mines to any person who shall prove to his satisfaction that he is competent to take charge of blasting operations and that he has had not less than three months' experience underground.

83. Application for a blasting certificate shall be in writing on the prescribed form (Form I in the Schedule), and produced at the office of the Inspector of Mines, who shall thereupon examine the applicant. Upon the applicant satisfying the Inspector of Mines that he is a competent person a certificate will be issued on payment of a fee of Sh. 5.

Application for blasting certificate.

Examination of candidate.

84. The manager of a mine may grant provisional blasting certificates, valid for one month, to persons who can satisfy him of their fitness to receive them. All grants of such certificates shall be reported immediately to the Inspector of Mines.

Provisional blasting certificate.

85. Should any holder of a blasting certificate cause an accident which, in the opinion of the Inspector of Mines, was due to carelessness, negligence, incapacity or inebrity of the said holder, the Inspector of Mines may cancel such certificate, and he may refuse to renew it for any time he may think proper, subject to a right of appeal by the holder to the Commissioner of Mines within ten days of first cancellation or refusal.

Suspension or cancellation of blasting certificate.

86. Every mine manager or mine captain, upon engaging a miner, shall examine his blasting certificate, and retain it until the determination of his engagement.

Certificate to be retained by manager.

87. At every working place where blasting is carried on the miner or ganger on each shift shall be a person holding a blasting certificate, who shall see that the rules for blasting, as set forth hereafter, are observed.

Miner conducting blasting must hold a certificate.

88. In case a gang of workmen is so large that one ganger is unable himself to conduct properly the blasting operations, such gang shall be divided into two or more parties, each under an experienced miner holding a blasting certificate.

Large gangs must be divided.

89. In the preparation of charges, and the firing of such charges, a certificated miner or ganger may be assisted by reliable persons who do not possess certificates, when acting under his direct supervision, but he shall be personally responsible for any accident occurring through such persons' ignorance, inexperience or carelessness, and in no case shall any uncertificated person actually charge drill holes.

Preparing and firing charges.

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(b) Transport of Explosives.

Transporting detonators with dynamite forbidden.

76. In no case may detonators be transported in the same vehicle or carried in the same case or canister with dynamite or any other nitro-glycerine compounds.

Notice to engine driver.

77. Proper notice shall be given to the engine-driver by the bankman immediately before explosives are conveyed in a shaft by means of machinery.

Conveyance of explosives in shaft.

78. The engine-driver shall gently lower or raise the cage or other conveyance containing explosives, and the explosives may be placed in or taken out of the shaft conveyance only by the person duly authorized.

Carrying explosives precautions.

79. Whilst carrying explosives (unless such explosives be contained in unopened cases), persons are not permitted to carry any light. Underground they shall be preceded by a person carrying a light, whose duty it shall be to give proper warning of the approach of explosives.

(c) General.

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Temporary charge.

81. Any person in whose temporary charge explosives have been lawfully left shall be responsible therefor until some other person, not an aboriginal native, accepts charge thereof.

Removal.

No person shall take away from a mine any explosive without the written permission of the manager.

Possession.

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(b) Such certificate will be issued by the Inspector of Mines to any person who shall prove to his satisfaction that he is competent to take charge of blasting operations and that he has had not less than three months' experience underground.

83. Application for a blasting certificate shall be in writing on the prescribed form (Form I in the Schedule), and produced at the office of the Inspector of Mines, who shall thereupon examine the applicant. Upon the applicant satisfying the Inspector of Mines that he is a competent person a certificate will be issued on payment of a fee of Sh. 5.

Application for blasting certificate.

Examination of candidate.

Provisional blasting certificates.

84. The manager of a mine may grant provisional blasting certificates, valid for one month, to persons who can satisfy him of their fitness to receive them. All grants of such certificates shall be reported immediately to the Inspector of Mines.

85. Should any holder of a blasting certificate cause an accident which, in the opinion of the Inspector of Mines, was due to carelessness, negligence, incapacity or inebriety of the said holder, the Inspector of Mines may cancel such certificate, and he may refuse to renew it for any time he may think proper, subject to a right of appeal by the holder to the Commissioner of Mines within ten days of first cancellation or refusal.

Suspension or cancellation of blasting certificates.

86. Every mine manager or mine captain, upon engaging a miner, shall examine his blasting certificate, and retain it until the determination of his engagement.

Certificate to be retained by manager.

87. At every working place where blasting is carried on the miner or ganger on each shift shall be a person holding a blasting certificate, who shall see that the rules for blasting, as set forth hereafter, are observed.

Miner conducting blasting must hold a certificate.

88. In case a gang of workmen is so large that one ganger is unable himself to conduct properly the blasting operations, such gang shall be divided into two or more parties, each under an experienced miner holding a blasting certificate.

Large gangs must be divided.

89. In the preparation of charges, and the firing of such charges, a certificated miner or ganger may be assisted by reliable persons who do not possess certificates, when acting under his direct supervision, but he shall be personally responsible for any accident occurring through such persons' ignorance, inexperience or carelessness, and in no case shall any uncertificated person actually charge drill holes.

Preparing and firing charges.

Ganger responsible for those under him.

Rules to be observed by gangers.

Storage of explosives.

Storage of detonators.

Unprotected light forbidden on explosives box.

Opening cases and preparing charges, lights at safe distance.

Smoking prohibited.

Only cartridges allowed.

Detonators and fuse attachment to primer.

Charging stick— forbidden materials.

90. It is the special duty of the ganger or miner in charge to see that everyone working under him is acquainted with the danger attending the contravention of Regulation 91, paragraphs (k), (l) and (m).

91. Gangers or miners in charge are personally responsible for the due and proper observance of the following rules:—

- (a) Explosives shall be kept in dry places at safe distances from the working faces, and in properly constructed wooden boxes fitted with strong locks. On the cover of all boxes or on boards against the wall above them the word *Explosives* must be painted in distinctly legible letters. Gangers shall keep their boxes locked and shall not allow the keys to leave their possession. No other materials, implements or tools may be placed in boxes in which there are explosives.

The detonators shall be kept separately in locked boxes and placed at safe distances from boxes containing explosives.

- (b) An unprotected light shall not be placed on the cover of a box in which there are explosives or detonators.
- (c) All lights shall be removed to a safe distance before any case containing explosives is opened, and also during the preparation of charges.
- (d) Smoking by persons whilst handling explosives or detonators is prohibited.
- (e) Explosives of every kind shall only be used in the form of cartridges.
- (f) When blasting with dynamite or other high explosives, the fuse with the attached detonator may only be inserted in the so-called primer cartridge shortly before use. In making up a charge the fuse with detonator attached shall, after being inserted in the primer cartridge, be securely fastened thereto by means of string or other suitable material, so that the fuse with detonator cannot inadvertently be withdrawn.
- (g) In charging or in stemming holes for blasting a person shall not use any iron or steel scraper, pricker or ramrod and no explosives may be forcibly pressed into a hole of insufficient size.

- (h) Only soft clay, paper or water may be used as tamping material for charges for dynamite or other high explosives. Tamping. Firing charges.
- (i) Before firing charges due warning shall be given in every direction by shouting "fire," and all entrances to the place or places where such charges are being fired shall be guarded to prevent inadvertent access thereto whilst firing operations are going on.

- (j) The number of shots exploding, except in cases of electric firing, shall be counted by at least two persons, one of whom shall be the ganger or miner who fired the charges. If they are not both certain that all the charges have exploded, no one shall be allowed to enter the working place for a period of thirty minutes after the fuses were lighted; and, if such suspected misfire occurs at change of shift, the ganger or miner who fired the charges shall forthwith report it to the mine captain and to the ganger of the following shift. The responsibility of warning the ganger of the next shift rests with the ganger firing the shots. The ganger discovering the misfire shall immediately plug the hole with a wooden plug, painted red, if he is not able immediately to deal with it. Counting shots. Misfire must be reported and the hole plugged.

If the shots are fired by electricity, the place may be re-entered immediately after the ganger has disconnected the cable of the battery.

- (k) Explosives shall not be extracted from a hole which has once been charged; the tamping may only be withdrawn sufficiently to allow a misfire being exploded. Withdrawal of charges forbidden.
- (l) No person shall deepen a hole which has been left standing; this shall not be taken to prohibit the deepening of any holes which are not finished at the conclusion of a shift and which have not yet been charged with explosives, provided that such holes are clearly described by the ganger of the shift finishing work to the ganger of the shift about to commence work. Deepening of holes.
- (m) Drill holes bored near to holes in which the charges have misfired shall be given such direction that they cannot come in contact with them. Direction of holes near misfires.

Ganger responsible for those under him.

90. It is the special duty of the ganger or miner in charge to see that everyone working under him is acquainted with the danger attending the contravention of Regulation 91, paragraphs (k), (l) and (m).

Rules to be observed by gangers.

91. Gangers or miners in charge are personally responsible for the due and proper observance of the following rules:—

Storage of explosives.

- (a) Explosives shall be kept in dry places at safe distances from the working faces, and in properly constructed wooden boxes fitted with strong locks. On the cover of all boxes or on boards against the wall above them the word *Explosives* must be painted in distinctly legible letters. Gangers shall keep their boxes locked and shall not allow the keys to leave their possession. No other materials, implements or tools may be placed in boxes in which there are explosives.

Storage of detonators.

The detonators shall be kept separately in locked boxes and placed at safe distances from boxes containing explosives.

Unprotected light forbidden on explosives box.

- (b) An unprotected light shall not be placed on the cover of a box in which there are explosives or detonators.

Opening cases and preparing charges, lights at safe distance.

- (c) All lights shall be removed to a safe distance before any case containing explosives is opened and also during the preparation of charges.

Smoking prohibited.

- (d) Smoking by persons whilst handling explosives or detonators is prohibited.

Only cartridges allowed.

- (e) Explosives of every kind shall only be used in the form of cartridges.

Detonators and fuse attachment to primer.

- (f) When blasting with dynamite or other high explosives, the fuse with the attached detonator may only be inserted in the so-called primer cartridge shortly before use. In making up a charge the fuse with detonator attached shall, after being inserted in the primer cartridge, be securely fastened thereto by means of string or other suitable material, so that the fuse with detonator cannot inadvertently be withdrawn.

Charging stick— forbidden materials.

- (g) In charging or in stemming holes for blasting a person shall not use any iron or steel scraper, pricker or ramrod and no explosives may be forcibly pressed into a hole of insufficient size.

- (h) Only soft clay, paper or water may be used as tamping material for charges for dynamite or other high explosives.

- (i) Before firing charges due warning shall be given in every direction by shouting "fire," and all entrances to the place or places where such charges are being fired shall be guarded to prevent inadvertent access thereto whilst firing operations are going on.

- (j) The number of shots exploding, except in cases of electric firing, shall be counted by at least two persons, one of whom shall be the ganger or miner who fired the charges. If they are not both certain that all the charges have exploded, no one shall be allowed to enter the working place for a period of thirty minutes after the fuses were lighted; and, if such suspected misfire occurs at change of shift, the ganger or miner who fired the charges shall forthwith report it to the mine captain and to the ganger of the following shift. The responsibility of warning the ganger of the next shift rests with the ganger firing the shots. The ganger discovering the misfire shall immediately plug the hole with a wooden plug, painted red, if he is not able immediately to deal with it.

Counting shots.

Misfire must be reported and the hole plugged.

If the shots are fired by electricity, the place may be re-entered immediately after the ganger has disconnected the cable of the battery.

- (k) Explosives shall not be extracted from a hole which has once been charged; the tamping may only be withdrawn sufficiently to allow a misfire being exploded.

Withdrawal of charges forbidden.

- (l) No person shall deepen a hole which has been left standing; this shall not be taken to prohibit the deepening of any holes which are not finished at the conclusion of a shift and which have not yet been charged with explosives, provided that such holes are clearly described by the ganger of the shift finishing work to the ganger of the shift about to commence work.

Deepening of holes.

- (m) Drill holes bored near to holes in which the charges have misfired shall be given such direction that they cannot come in contact with them.

Direction of holes near misfires.

Ganger must indicate direction of holes to drillers.

Loose ground to be removed before starting to drill. Face must be carefully examined for misfires.

Electric firing-place to be examined for misfires.

Ganger must be the first to enter the working place.

Holder of blasting certificate responsible for safety.

Ganger not holding certificate must be assured of safety.

Provisions against removal of explosives.

- (n) The ganger shall point out to each native driller working under him the exact position and direction of the bore hole to be drilled, and shall see that he does not deviate therefrom.
- (o) Before beginning to drill, all loose and loosened rock and ground must first be removed from the face and neighbourhood of the working place; and such face shall be carefully examined for misfired holes and sockets of holes.
- (p) When firing of holes is done by electricity, the miner in charge shall, after firing and disconnecting the cables of the battery, examine the place carefully before permitting men to work therein. The miner in charge shall further instruct those employed in clearing the loose rock or coal from such place to report immediately to him the finding of any wires in or under the loose rock or coal, and in the event of such being discovered he shall at once order the work to cease until he has carefully traced such wires to their terminals in order to determine whether or not a misfire has occurred.
- (q) Before commencing work, either at the beginning of a shift or after blasting, the ganger of the shift shall be the first person to enter the working place, and, until he considers it safe, he shall not allow any workman to enter except those required by him to make the place safe.
- (r) The holder of a blasting certificate is responsible for the safety of all persons not in the possession of a blasting certificate who may be working in the same place, whether they are under his direct supervision or not, and he shall also be responsible in seeing that no person enters the place until the fumes and dust caused by blasting have been sufficiently dissipated.
- (s) A ganger who is not the holder of a blasting certificate, in charge of natives, shall satisfy himself as to the safety of his working place, either by examining it himself, or, if he is not fully competent, by causing it to be examined by a qualified person.
- (t) The holder of a blasting certificate shall not permit any person working under his charge to retain any explosive in his possession or remove it from the mine,

and shall be responsible that all reasonable precautions are taken so that the explosives in his section are not so retained or removed.

92. (a) Holes shall be charged only within a reasonable time of blasting and the insertion of the primer cartridge shall be delayed until shortly before firing. Time for charging holes.

(b) The detonator shall be attached to the fuse only by means of properly designed copper pliers or other approved instrument. Attachment of detonator to fuse.

93. No person shall carry or cause or permit to be carried any calcium carbide underground except in lamps or in water-tight receptacles. No person shall store or leave calcium carbide underground on coming off shift. Transport of carbide.

MACHINERY.

94. The lessee of a mining lease or his agent shall report to the Inspector of Mines at least fourteen days prior to bringing into use any boiler or any steam, oil or gas engine or any plant for the generation of power, the nature of the plant with the indicated horse-power, and the purpose for which it is to be used. The installation of boilers and engines to be reported.

95. A competent engineer shall be in charge of any plant the indicated horse-power of which is over twelve. This provision shall not be deemed to exonerate the claim-holder, lessee or their agents from responsibility for seeing that any plant of twelve horse-power or less is used under proper supervision. Competent engineer to be in charge.

96. No person unless authorized shall remove or render useless any fencing, means of signalling, signal cabin, flange, brake indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, or anything in any mine provided for the safety of any miner or workman. Fencing, etc., not to be removed.

97. Any Inspector of Mines may at any time require a claim-holder or lessee of a mining lease or their agents to prepare a boiler, engine or other plant for his inspection. Not less than one week's notice in writing of the date on which he intends to hold the inspection shall be given by the Inspector of Mines. Inspection of plant.

Ganger must indicate direction of holes to drillers.

Loose ground to be removed before starting to drill. Face must be carefully examined for misfires.

Electric firing-place to be examined for misfires.

Ganger must be the first to enter the working place.

Holder of blasting certificate responsible for safety.

Ganger not holding certificate must be assured of safety.

Proprietary agents removal of explosives.

- (n) The ganger shall point out to each native driller working under him the exact position and direction of the bore hole to be drilled, and shall see that he does not deviate therefrom.
- (o) Before beginning to drill, all loose and loosened rock and ground must first be removed from the face and neighbourhood of the working place; and such face shall be carefully examined for misfired holes and sockets of holes.
- (p) When firing of holes is done by electricity, the miner in charge shall, after firing and disconnecting the cables of the battery, examine the place carefully before permitting men to work therein. The miner in charge shall further instruct those employed in clearing the loose rock or coal from such place to report immediately to him the finding of any wires in or under the loose rock or coal, and in the event of such being discovered he shall at once order the work to cease until he has carefully traced such wires to their terminals in order to determine whether or not a misfire has occurred.
- (q) Before commencing work, either at the beginning of a shift or after blasting, the ganger of the shift shall be the first person to enter the working place, and, until he considers it safe, he shall not allow any workman to enter except those required by him to make the place safe.
- (r) The holder of a blasting certificate is responsible for the safety of all persons not in the possession of a blasting certificate who may be working in the same place, whether they are under his direct supervision or not, and he shall also be responsible in seeing that no person enters the place until the fumes and dust caused by blasting have been sufficiently dissipated.
- (s) A ganger who is not the holder of a blasting certificate, in charge of natives, shall satisfy himself as to the safety of his working place, either by examining it himself, or, if he is not fully competent, by causing it to be examined by a qualified person.
- (t) The holder of a blasting certificate shall not permit any person working under his charge to retain any explosive in his possession or remove it from the mine,

and shall be responsible that all reasonable precautions are taken so that the explosives in his section are not so retained or removed.

92. (a) Holes shall be charged only within a reasonable time of blasting and the insertion of the primer cartridge shall be delayed until shortly before firing.

(b) The detonator shall be attached to the fuse only by means of properly designed copper pliers or other approved instrument.

93. No person shall carry or cause or permit to be carried any calcium carbide underground except in lamps or in water-tight receptacles. No person shall store or leave calcium carbide underground on coming off shift.

MACHINERY.

94. The lessee of a mining lease or his agent shall report to the Inspector of Mines at least fourteen days prior to bringing into use any boiler or any steam, oil or gas engine or any plant for the generation of power, the nature of the plant with the indicated horse-power, and the purpose for which it is to be used.

95. A competent engineer shall be in charge of any plant the indicated horse-power of which is over twelve. This provision shall not be deemed to exonerate the claim-holder, lessee or their agents from responsibility for seeing that any plant of twelve horse-power or less is used under proper supervision.

96. No person unless authorized shall remove or render useless any fencing, means of signalling, signal cabin, flange, brake indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, or anything in any mine provided for the safety of any miner or workman.

97. Any Inspector of Mines may at any time require a claim-holder or lessee of a mining lease or their agents to prepare a boiler, engine or other plant for his inspection. Not less than one week's notice in writing of the date on which he intends to hold the inspection shall be given by the Inspector of Mines.

Direction of Inspector as to plant.

98. (a) If on examination a boiler is found to be in a condition from which immediate danger may arise, the Inspector of Mines may order the working of such boiler to be provisionally discontinued, and the boiler may not be used again before it has been properly repaired and permission obtained from the Inspector of Mines.

(b) In case of any instruction or decision given by the Inspector of Mines regarding any thing or practice in connection with machinery or boilers or any part thereof not provided for by any provisions of these regulations, the manager may, within twenty-one days, lodge a written appeal with the Commissioner of Mines.

Boilers, etc., to be in good condition.

99. All boilers, engines, brakes, ropes, winding gear and other mechanical appliances shall be kept in good condition and repair to the satisfaction of the Inspector of Mines.

Exposed machinery to be fenced.

100. All exposed machinery which, when in motion, may be dangerous to persons must be securely fenced so that no person can inadvertently come into contact with it. Efficient guards shall be provided to the satisfaction of the Inspector of Mines to such parts of machinery as may in his opinion be a source of possible danger to persons.

Wearing of loose clothing near moving machinery prohibited.

101. Persons engaged near moving machinery shall not wear loose outer clothing.

No repairing, oiling, etc., to be done under risk.

102. (a) The repairing, adjusting, cleaning or lubricating of machinery in motion shall not be undertaken where there is risk of personal injury.

(b) Automatic devices of oiling machinery whilst in motion shall be resorted to wherever practicable.

Friction clutches or similar contrivances to be provided.

103. (a) Belt-driven machinery, which it is necessary to start and stop without interfering with the speed of the prime mover, shall be permanently fitted with a satisfactory mechanical appliance for the purpose.

(b) Shipping and unshipping driving belts whilst the machinery is in motion is forbidden, with the exception of the customary shifting of light belts on the coned pulleys of machine tools for the purpose of alterations in the working speed.

104. Electrical machinery and all electrical conductors shall be placed and protected in such a way that no person can inadvertently come in contact with them. Efficient guards shall be provided to the satisfaction of the Inspector of Mines to such parts of electrical machinery and conductors as may, in his opinion, be a possible source of danger to persons. Electrical machinery and conductors to be protected.

105. In addition to the provisions of Regulation 104. the following regulations shall be complied with — Regulations for safety of persons near electrical plant.

- (a) Notices in English and in the vernacular, warning persons from touching electrical machinery or appliances or electrical conductors of any description without authority, shall be posted up at suitable places.
- (b) All switchboards, erected after the application of these regulations shall have at the back a clear space of at least four feet. This space shall not be obstructed in any manner, and shall be kept closed except for purposes of alterations and repairs.
- (c) No examination, repairs or alterations necessitating the handling of mains, wires, machines or other apparatus shall be carried on while such parts are under a pressure of more than 300 volts if the supply be of the continuous current system or of 150 volts if of the alternating current system, unless such work be done by or under the personal supervision of a skilled electrician.

Insulating gloves shall be provided and kept in good repair by the owner for the use of such persons.

- (d) All electric lines, other than those efficiently earthed, placed in or within seven feet of a building (not being a transformer station) shall be sufficiently insulated.
- (e) The power line when near an explosives magazine, shall be separated from the latter by a distance of not less than fifty feet, which minimum distance may be increased by the Inspector of Mines if the span between the supports is greater than one hundred feet.
- (f) Conductors shall be securely attached to the insulator and shall be so guarded that they cannot fall away laterally from the cross arms.

Direction of Inspector as to plant.

98. (a) If on examination a boiler is found to be in a condition from which immediate danger may arise, the Inspector of Mines may order the working of such boiler to be provisionally discontinued, and the boiler may not be used again before it has been properly repaired and permission obtained from the Inspector of Mines.

(b) In case of any instruction or decision given by the Inspector of Mines regarding any thing or practice in connection with machinery or boilers or any part thereof not provided for by any provisions of these regulations, the manager may within twenty-one days, lodge a written appeal with the Commissioner of Mines.

Boilers, etc., to be in good condition.

99. All boilers, engines, brakes, ropes, winding gear and other mechanical appliances shall be kept in good condition and repair to the satisfaction of the Inspector of Mines.

Exposed machinery to be fenced.

100. All exposed machinery which, when in motion, may be dangerous to persons must be securely fenced so that no person can inadvertently come into contact with it. Efficient guards shall be provided to the satisfaction of the Inspector of Mines to such parts of machinery as may in his opinion be a source of possible danger to persons.

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104. Electrical machinery and all electrical conductors shall be placed and protected in such a way that no person can inadvertently come in contact with them. Efficient guards shall be provided to the satisfaction of the Inspector of Mines to such parts of electrical machinery and conductors as may, in his opinion, be a possible source of danger to persons.

Electrical machinery and conductors to be protected

105. In addition to the provisions of Regulation 104, the following regulations shall be complied with:—

Regulations for safety of persons near electrical plant.

(a) Notices in English and in the vernacular, warning persons from touching electrical machinery or appliances or electrical conductors of any description without authority, shall be posted up at suitable places.

(b) All switchboards erected after the application of these regulations shall have at the back a clear space of at least four feet. This space shall not be obstructed in any manner, and shall be kept closed except for purposes of alterations and repairs.

(c) No examination, repairs or alterations necessitating the handling of mains, wires, machines or other apparatus shall be carried on while such parts are under a pressure of more than 300 volts if the supply be of the continuous current system or of 150 volts if of the alternating current system, unless such work be done by or under the personal supervision of a skilled electrician.

Indiarubber gloves shall be provided and kept in good repair by the owner for the use of such persons.

(d) All electric lines, other than those efficiently earthed, placed in or within seven feet of a building (not being a transformer station) shall be sufficiently insulated.

(e) The power line, when near an explosives magazine shall be separated from the latter by a distance of not less than fifty feet, which minimum distance may be increased by the Inspector of Mines if the span between the supports is greater than one hundred feet.

(f) Conductors shall be securely attached to the insulators and shall be so guarded that they cannot fall away laterally from the cross arms.

- (g) The mains and sub-mains shall be efficiently protected by lightning arresters.
- (h) Where power lines cross railways, roads, or low-pressure conductors, the supporters shall carry cradles of four galvanized steel wires underneath and parallel to the conductors. The two lower wires of the cradle shall be joined by transverse wires not more than three feet apart. The lowest wires of the guard cradle shall be at least two feet above the highest low-pressure conductor. All the wires of the cradle shall be efficiently earthed at every pole. Where the power line crosses low-pressure conductors it shall in all cases be carried above them.

Notice to be given to person in charge of any apparent danger.

106. All workmen shall strictly observe the safety measures mentioned in the preceding regulation, and, unless their duty necessitates it, shall not trespass within the safety guards or fences erected under these regulations. In case they notice anything which might be dangerous to life or limb or to the working of the machinery they shall as soon as possible inform the person in charge thereof.

Safety valves.

107. (a) All cylinders and receivers for air and gas of a higher pressure than the atmosphere shall be fitted with satisfactory apparatus for at all times showing the pressure of the air or gas; also they shall be fitted with a relief or safety valve or other device capable of preventing any undue accumulation of pressure above the safe working limit of the container (cylinder, receiver or holder).

Receiver to be tested.

(b) The manager shall have these receivers tested at intervals not exceeding three years by hydraulic pressure to the extent of one and one-third times the working pressure.

(c) A written record of such test, signed by the person conducting the same, shall be in the manager's possession, and open to inspection by the Inspector of Mines.

Supply of air for compressor to be pure.

108. The supply of air for air-compressors shall be drawn from as pure and cool a source as possible.

Dangerous places to be fenced.

109. (a) Dangerous places, such as elevated platforms, trap-holes, etc., shall be fenced so as to safeguard effectually those persons authorized to work or travel in the neighbourhood.

(b) Unauthorized entrance to any place where machinery or steam boilers are erected is prohibited. Notice to this effect shall be posted up at all entrances. **No admittance to works.**

MINE PLANS.

110. (a) On every mine where more than one hundred persons are on the average employed underground, the manager shall appoint a surveyor, who shall be responsible for the due observance of Regulations 22 (as far as it is applicable) and 111. **Preparation and responsibility for plans.**

(b) The appointment of such surveyor shall be reported to the Inspector of Mines within fourteen days of the date thereof. **Appointment of surveyor.**

(c) All the plans and sections mentioned in Regulation 111, and the copies referred to in Regulation 113, when they are first made and also on each occasion when they are brought up to date, shall be signed by the surveyor, who shall be responsible for their accuracy within the limits of error laid down in Regulation 122.

(d) In the case of a mine in which less than one hundred workmen on an average are employed underground, the plans may be signed by the manager, who in such case shall assume the responsibilities of the surveyor as specified above.

(e) Nothing in this regulation shall be taken to mean that the manager of the mine or the surveyor appointed by him shall be responsible for the accuracy of the work before they assumed their duties.

111. The following plans shall be kept in the office at every mine:— **Plans to be kept.**

- (1) A General Surface Plan, or true copy thereof, on tracing cloth of the property appertaining to the mine, showing the boundaries of the various holdings, names of farms, the outcrops and dip of the reef or reefs or other mineral or alluvial deposits, all open surface workings, shaft openings, boreholes, buildings, watercourses, reservoirs, tailings sites, dumps, public roads, railways, permanent tramways, electric power lines, public telegraph and telephone lines, cable-ways, main pipe-lines, fences, and all surface objects which it is needful to protect against undermining. **General Surface Plan.**

- (g) The mains and sub-mains shall be efficiently protected by lightning arresters.
- (h) Where power lines cross railways, roads, or low-pressure conductors, the supporters shall carry cradles of four galvanized steel wires underneath and parallel to the conductors. The two lower wires of the cradle shall be joined by transverse wires not more than three feet apart. The lowest wires of the guard cradle shall be at least two feet above the highest low-pressure conductor. All the wires of the cradle shall be efficiently earthed at every pole. Where the power line crosses low-pressure conductors it shall in all cases be carried above them.

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106. All workmen shall strictly observe the safety measures mentioned in the preceding regulation, and, unless their duty necessitates it, shall not trespass within the safety guards or fences erected under these regulations. In case they notice anything which might be dangerous to life or limb or to the working of the machinery they shall as soon as possible inform the person in charge thereof.

Safety valves.

107. (a) All cylinders and receivers for air and gas of a higher pressure than the atmosphere shall be fitted with satisfactory apparatus for at all times showing the pressure of the air or gas; also they shall be fitted with a relief or safety valve or other device capable of preventing any undue accumulation of pressure above the safe working limit of the container (cylinder, receiver or holder).

Receiver to be tested.

(b) The manager shall have these receivers tested at intervals not exceeding three years by hydraulic pressure to the extent of one and one-third times the working pressure.

(c) A written record of such test, signed by the person conducting the same, shall be in the manager's possession, and open to inspection by the Inspector of Mines.

Supply of air for compressor to be pure.

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Dangerous places to be fenced.

109. (a) Dangerous places, such as elevated platforms, trap-holes, etc., shall be fenced so as to safeguard effectually those persons authorized to work or travel in the neighbourhood.

(b) Unauthorized entrance to any place where machinery or steam boilers are erected is prohibited. Notice to this effect shall be posted up at all entrances. No admittance to works.

MINE PLANS.

110. (a) On every mine where more than one hundred persons are on the average employed underground, the manager shall appoint a surveyor, who shall be responsible for the due observance of Regulations 22 (as far as it is applicable) and 111. Preparation and responsibility for plans.

(b) The appointment of such surveyor shall be reported to the Inspector of Mines within fourteen days of the date thereof. Appointment of surveyor.

(c) All the plans and sections mentioned in Regulation 111, and the copies referred to in Regulation 113, when they are first made and also on each occasion when they are brought up to date, shall be signed by the surveyor, who shall be responsible for their accuracy within the limits of error laid down in Regulation 122.

(d) In the case of a mine in which less than one hundred workmen on an average are employed underground, the plans may be signed by the manager, who in such case shall assume the responsibilities of the surveyor as specified above.

(e) Nothing in this regulation shall be taken to mean that the manager of the mine or the surveyor appointed by him shall be responsible for the accuracy of the work before they assumed their duties.

111. The following plans shall be kept in the office at every mine:— Plans to be kept

- (1) A General Surface Plan, or true copy thereof, on tracing cloth of the property appertaining to the mine showing the boundaries of the various holdings names of farms, the outcrops and dip of the reef or reefs or other mineral or alluvial deposits, all open surface workings, shaft openings, boreholes, buildings, watercourses, reservoirs, tailings races, dumpings, public roads, railways, permanent tramways, electric power lines, public telegraph and telephote lines, cable-ways, main pipe-lines, fences, and all surface objects which it is needful to protect against underground mining. General Surface Plan.

The scale of this plan shall be, either 1/600 or 1/2,500.

This plan shall at all times be correct to within at most one year from date.

Underground plan.

- (2) Underground Plan, which shall show on a scale of 1/300 all mine workings, whether abandoned or in use, the boundaries of the ground over which underground mining rights are held where such boundaries can be shown on a plan of convenient size, faults, dykes, important changes in the dip of the reef beds or mineral bed, pillars, packs and underground explosives magazines.

Where different reefs or mineral deposits overlie one another the workings on each reef or mineral deposit shall be shown on a separate plan when so required by the Inspector of Mines.

This plan shall at all times be correct to within at most three months from date.

Transverse sections of the workings.

- (3) A section or true copy thereof on tracing cloth, to a scale of either 1/500 or 1/1,000, showing the transverse section or sections of the workings drawn through the shaft or shafts and main adits of the property and indicating clearly the surface and the dip of the strata and reef and any dislocation of strata, intrusive rock, etc.

This section shall at all times be correct to within at most one year from date.

Vertical projection of the workings.

- (4) Where the reef has an average dip of more than sixty degrees, a section or true copy thereof on tracing cloth, to a scale of either 1/500 or 1/1,000, showing a vertical projection of the mine workings.

This section shall at all times be correct to within at most one year from date.

Plans may be made in two or more parts where property is too large to be shown on a single sheet.

112. In the event of a property held under mining title being so large that plans required under the preceding regulations if made on single sheets would be of an unwieldy size, it is left to the discretion of the mine manager to construct the plans in two or more parts.

113. Managers of mines shall deposit true copies upon tracing cloth with the Commissioner of Mines of the plans and sections mentioned in Regulation 111, brought up to date at the end of each year. These copies must be certified as correct by the manager.

Copies of plans to be deposited with Commissioner of Mines.

114. In mines where fewer than one hundred workmen on the average are employed underground, the Inspector of Mines may, with respect to the plans and sections required under Regulation 111, grant partial exemption according to circumstances.

Exemptions.

115. If on any mine the plans and sections mentioned in Regulation 111 be not made, or be not kept as required, the Commissioner of Mines has the right to have such plans and sections or necessary additions to the plans and sections made at the expense of the owner of the mine.

Failure to keep plans as required.

116. If the copies of the mine plans and sections be not sent as required by Regulation 113, or if such copies sent are not made according to these regulations, the Commissioner of Mines has the right to have such plans or sections or necessary addition to such plans or sections made at the expense of the owner of the mine.

If copies of plans are not deposited.

117. No copies of the plans and sections mentioned in Regulations 111 to 114, or any information concerning them, shall be given by the Mines Department to any unauthorized person; nor shall plans be open to the inspection of any such person without the permission of the mine manager. Nothing in this regulation shall prevent the Mines Department exhibiting or supplying to the public maps showing boundaries of titles and topography.

Plans confidential.

118. (a) Proper assay plans shall be kept in the office of every mine employing underground more than one hundred persons on the average.

Assay plans to be kept.

(b) In mines employing underground fewer than one hundred persons on the average, it shall lie within the discretion of the Inspector of Mines or officer in charge of the Geological Survey, or his deputy, to take samples in or about a mine or works.

Exemptions.

The scale of this plan shall be either 1/500 or 1/2,500.

This plan shall at all times be correct to within at most one year from date.

Underground plan.

- (2) Underground Plan, which shall show on a scale of 1/500 all mine workings, whether abandoned or in use, the boundaries of the ground over which underground rights are held where such boundaries can be shown on a plan of convenient size, faults, dykes, important changes in the dip of the reef lode or mineral bed, pillars, packs and underground explosives magazines.

Where different reefs or mineral deposits overlie one another the workings on each reef or mineral deposit shall be shown on a separate plan when so required by the Inspector of Mines.

This plan shall at all times be correct to within at most three months from date.

Transverse sections of the workings.

- (3) A section or true copy thereof on tracing cloth, to a scale of either 1/500 or 1/1,000, showing the transverse section or sections of the workings drawn through the shaft or shafts and main adits of the property and indicating clearly the surface and the dip of the strata and reef and any dislocation of strata, intrusive rock, etc.

This section shall at all times be correct to within at most one year from date.

Vertical projection of the workings.

- (4) Where the reef has an average dip of more than sixty degrees, a section or true copy thereof on tracing cloth, to a scale of either 1/500 or 1/1,000, showing a vertical projection of the mine workings.

This section shall at all times be correct to within at most one year from date.

Plans may be made in two or more parts where property is too large to be shown on a single sheet.

112. In the event of a property held under mining title being so large that plans required under the preceding regulations if made on single sheets would be of an unwieldy size, it is left to the discretion of the mine manager to construct the plans in two or more parts.

113. Managers of mines shall deposit true copies upon tracing cloth with the Commissioner of Mines of the plans and sections mentioned in Regulation 111, brought up to date at the end of each year. These copies must be certified as correct by the manager. Copies of plans to be deposited with Commissioner of Mines.

114. In mines where fewer than one hundred workmen on the average are employed underground, the Inspector of Mines may, with respect to the plans and sections required under Regulation 111, grant partial exemption according to circumstances. Exemptions.

115. If on any mine the plans and sections mentioned in Regulation 111 be not made, or be not kept as required, the Commissioner of Mines has the right to have such plans and sections or necessary additions to the plans and sections made at the expense of the owner of the mine. Failure to keep plans as required.

116. If the copies of the mine plans and sections be not sent as required by Regulation 113, or if such copies sent are not made according to these regulations, the Commissioner of Mines has the right to have such plans or sections or necessary addition to such plans or sections made at the expense of the owner of the mine. If copies of plans are not deposited.

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(b) In mines employing underground fewer than one hundred persons on the average, it shall lie within the discretion of the Inspector of Mines or officer in charge of the Geological Survey, or his deputy, to take samples in or about a mine or works. Exemptions.

Assay plans may be inspected by certain officers.

119. (a) An Inspector of Mines or officer in charge of the geological survey, or his deputy, may at any time inspect the assay plans of any mine, and may take extracts therefrom. Also they may take any samples in or about any mine or works.

Information confidential.

(b) Information so obtained shall be treated in strict confidence, and any official divulging such information to any person, not specially authorized by the Governor or his Deputy, shall be guilty of an offence.

Measurements.

120. In all mine surveys, having for their object the construction of the plans mentioned in the preceding sections, linear measurements shall be made in English feet and decimals of a foot by means of a steel tape and angular measurements by means of a theodolite.

Origin (co-ordinates).

121. (a) The co-ordinates of the surface and underground surveys shall be referred to the same axes as the co-ordinates of the trigonometrical or recognized local cadastral survey of the mining property; but the origin may be changed, provided that the constant difference thereby caused is noted on every plan.

(Levels).

(b) Levels shall be referred to a datum fixed by the Inspector of Mines.

Data where obtained.

(c) The co-ordinates of the property beacons and heights of the trigonometrical points may be obtained from the office of the Surveyor General, Nairobi.

Limits of error.

122. The following shall be the limits of error in mine surveys:—

- (a) Closing of a traverse: 1/1,000.
- (b) The error in length between any two points of a traverse shall not exceed 1/1,000 of the true length.
- (c) The error in the measurement of a line between any two consecutive points of a traverse shall not exceed 1/1,000 of its true length, nor shall the error in the measurement of its direction in reference to the axes of co-ordinates exceed four minutes of arc.
- (d) The error in level between any two points shall not exceed 1/2,000 of the distance between them.
- (e) In special measurements that have for their object the fixing of the position of shafts and the establishment

of connexions, the allowable error shall not exceed half the limits of error given above.

123. (a) The Inspector of Mines, where he deems it necessary, may cause a check survey to be made by a qualified surveyor. Check survey.

(b) The cost of such survey shall be borne by the owner of the mine where it is proved that any error in the survey or in plans constructed as the result of the survey exceeds the above-mentioned limits of error. Cost.

124. (a) Before a mine or any part of a mine is closed down or abandoned or rendered inaccessible, all underground plans and sections shall be brought up to date, and the copies mentioned in Regulation 113 shall be handed to the Inspector of Mines. Procedure on closing down.

(b) When a mine is closed down the calculation books and survey note-books shall be handed to the Inspector of Mines and shall become the property of Government.

PROCEDURE IN CASE OF ACCIDENT.

125. Whether personal injury is caused or not, every accident occurring in connexion with the winding arrangements and included in the following classification shall be reported without delay to the Inspector of Mines:— Serious winding accidents shall be reported.

- (1) Engine running out of control.
- (2) Fracture of any essential part of winding engine, crankshaft, couplings, bearings, gearings, clutch, drums or drum shafts.
- (3) Fracture of winding rope or of its attachment to skip, cage or drum.
- (4) Fracture of pit-head sheaf or axle or bearing of same.
- (5) Jamming of skip or cage in shaft.
- (6) Derailment of skip or cage in motion by which, in the opinion of the management, the winding rope is possibly overstrained.
- (7) Failure of efficiency of brake.
- (8) Failure of safety catch to act when required.
- (9) Failure of over-winding prevention device to act when required.
- (10) Sheaving of cage or skip.

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- (4) Fracture of pit-head sheaf or axle or bearing of same.
- (5) Jamming of skip or cage in shaft.
- (6) Derailment of skip or cage in motion by which, in the opinion of the management, the winding rope is possibly overstrained.
- (7) Failure of efficiency of brake.
- (8) Failure of safety catch to act when required.
- (9) Failure of over-winding prevention device to act when required.
- (10) Sheaving of cage or skip.

AMBULANCE.

Minimum requirements.

126. Where thirty or more persons are ordinarily employed on an area held under licence, claim or lease, not being alluvial, there shall be kept in good condition and immediately available for use stretchers and first-aid requisites.

127. At the head of every main travelling shaft on mines where more than one hundred persons are employed underground at any one time, except where the mine hospital is within 200 yards of such shaft, an emergency station shall be provided. Such station shall be furnished with at least the following —

Two R.N. stretchers, or stretchers of other pattern approved by the Inspector of Mines, each provided with at least two woollen blankets.

Two or more fitted first-aid boxes of a pattern approved by the Inspector of Mines.

A supply of dressings and splints.

One portable oxygen inhalation apparatus.

Two portable electric lamps.

Cyanide antidote.

128. (a) At every mine or works where cyanide is used there shall be kept in a conspicuous and convenient place a sufficient supply of a satisfactory and efficient antidote for cyanide poisoning approved by the Inspector of Mines.

(b) Such antidote shall be kept in a box labelled *Cyanide Antidote*, and explicit directions for the use of such antidote shall be affixed inside the lid of the box.

RESPONSIBILITY.

Commencement, discontinuing or recommencing work. Notice must be given.

129. Where any working is commenced for the purpose of opening a mine or the working of a mine has been temporarily or permanently discontinued or abandoned, or where the working of a mine is recommenced after any such discontinuance or abandonment, the manager, or failing him the owner of such mining property, shall immediately give written notice thereof to the Inspector of Mines.

Abandonment of a mine, owner or manager responsible for carrying out regulations.

130. (a) In case of the abandonment of a mine the owner or manager at the time of such abandonment shall continue to be responsible for the carrying out of the regulations laid down regarding the protection of the surface and the furnishing of plans under Regulation 111 herein.

(b) Upon the Inspector of Mines being satisfied that such regulations have been duly complied with, he shall issue a certificate to that effect, and the owner shall thereupon be relieved from all responsibilities.

131. The working of a mine shall be carried on under the control of the manager.

Manager responsible for the working of a mine.

132. Where in any of the provisions of these regulations no particular person is named as being directly responsible, the responsibility shall rest with the manager.

Responsibility of manager.

133. In case an accident has been caused through an incompetent or inexperienced workman (or workmen) being employed on dangerous work, the manager shall be held responsible unless he can prove that he has taken proper precautions.

Manager responsible for accident occurring with incompetent workmen.

134. The manager shall provide for the safety and proper discipline of the men employed above and below ground, and shall appoint such persons as may be necessary to administer these regulations or any part thereof, and unless he proves that he has taken all reasonable measures to enforce to the best of his ability these regulations, he shall be guilty of an offence.

Manager shall provide for the safety and discipline of workmen.

135. The manager of a mine or claim shall be responsible for the sanitary condition of such mine or claim and also that the following provision be observed:—

Manager responsible for sanitation.

That on the surface and, in the case of a mine, also in the underground workings, there shall be provided sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in the mine.

136. When the manager of a mine can prove that the necessary means for carrying out these regulations have been refused him by the owner or his agent, the latter will be held responsible for the consequences.

Owner responsible for refusing manager necessary means.

137. The manager or the mine captain or a shift-boss shall at least once every shift whilst the men are at work visit each working place and shall see that safety is assured in every respect.

Each working place must be visited once a shift.

AMBULANCE.

Minimum requirements.

126. Where thirty or more persons are ordinarily employed on an area held under licence, claim or lease, not being alluvial, there shall be kept in good condition and immediately available for use stretchers and first-aid requisites.

127. At the head of every main travelling shaft on mines where more than one hundred persons are employed underground at any one time, except where the mine hospital is within 200 yards of such shaft, an emergency station shall be provided. Such station shall be furnished with at least the following —

Two R.N. stretchers, or stretchers of other pattern approved by the Inspector of Mines, each provided with at least two woollen blankets.

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RESPONSIBILITY.

Commencement, discontinuing or recommencing work. Notice must be given

129. Where any working is commenced for the purpose of opening a mine or the working of a mine has been temporarily or permanently discontinued or abandoned, or where the working of a mine is recommenced after any such discontinuance or abandonment, the manager, or failing him the owner of such mining property, shall immediately give written notice thereof to the Inspector of Mines.

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Manager responsible for the working of a mine.

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136. When the manager of a mine can prove that the necessary means for carrying out these regulations have been refused him by the owner or his agent, the latter will be held responsible for the consequences.

Owner responsible for refusing manager necessary means.

137. The manager or the mine captain or a shift-boss shall at least once every shift whilst the men are at work visit each working place and shall see that safety is assured in every respect.

Each working place must be visited once a shift.

APPOINTMENT OF MINE OFFICIALS.

Mine not to be worked without a properly appointed manager.

Appointment of manager.

138. (a) No mine shall be worked without a formally appointed manager for a longer period than one month, without the special permission of the Inspector of Mines, and under such conditions as he may deem necessary.

(b) No person shall be appointed manager of a mine where more than one hundred persons are employed underground at any one time who has not had practical experience in mines for at least three years, and who has not acted in a responsible and supervisory capacity for more than half this period.

(c) In the case of mines employing fewer than one hundred persons underground, any competent person may, with the written approval of the Inspector of Mines, be appointed manager for such period or periods as the Inspector of Mines may allow.

Mine Captain.

139. (a) No person shall be in charge of underground working where more than one hundred persons are employed at any one time who has not had practical underground experience for at least two years.

(b) In the case of mines employing fewer than one hundred persons underground, any competent person may be permitted by the Inspector of Mines to take charge of the underground workings.

Surveyor.

140. (a) No person shall be appointed surveyor of a mine employing more than one hundred persons underground at any one time who has not had more than three months' underground survey experience and provided that his qualifications as a surveyor have satisfied the Inspector of Mines.

(b) In the case of mines employing fewer than one hundred persons underground, the Inspector of Mines may permit the appointment of any surveyor whom he may deem competent.

All appointments to be notified within 14 days.

Register of appointments to be kept in the office of the Inspector of Mines.

141. (a) All the appointments mentioned in Regulations 139 to 144 shall be notified by the owner, his agent or manager to the Inspector of Mines within fourteen days of the date thereof. A specimen signature of the newly appointed official should accompany the notification.

(b) The Inspector of Mines shall keep a register of all such appointments.

142. Any breach of these regulations shall be deemed to be an offence, and shall be punishable with a fine not exceeding one hundred pounds or imprisonment, with or without hard labour, for a term not exceeding six months, or to both such fine and imprisonment.

143. An Inspector, if satisfied that any person has committed a contravention of any of these regulations, may himself impose on such person a fine not exceeding £5 for such contravention, and in default of payment the Inspector shall report the contravention to the manager of the mine in which the offender is employed, and such manager shall deduct the amount of the said fine from any wages due or to become due to such offender, and pay the same to the Commissioner of Mines for the benefit of the general revenue of the Colony.

Summary powers of Inspector.

By Command of His Excellency the Governor in Council.

Nairobi.

This 2nd day of September, 1932.

G. BERESFORD STOOKE,
Clerk to Executive Council

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Appointment of manager.

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This 2nd day of September, 1932

G. BERESFORD STOCHE,
Clerk to Executive Council

FORM I.

COLONY AND PROTECTORATE OF KENYA.

*The Mining Ordinance, 1931.**Mining (Safety) Regulations, 1932.*

MINES DEPARTMENT.

APPLICATION FOR MINER'S BLASTING CERTIFICATE.

Name (block letters)

Nationality

Age

Address

Previous Mining Experience

Give particulars of any previous mining blasting certificates held

Have you ever been involved in any mining accident?.....

If so, give the fullest particulars

Signature of Applicant

Date

FORM II.

No.

COLONY AND PROTECTORATE OF KENYA.

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*(Issued in accordance with the provisions of the Mining Ordinance, 1931, and the Regulations framed thereunder, namely Mining (Safety) Regulations, 1932.)*This is to certify that Mr.
of is qualified to
conduct blasting operations in and about a mine.

Inspector of Mines.

Date

Signature of holder (made in presence of Inspector).

FMS: SM. 5.

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Fm: S. 5.

FORM III.

COLONY AND PROTECTORATE OF KENYA.

MINES DEPARTMENT.

PROVISIONAL BLASTING CERTIFICATE.

VALID FOR ONE MONTH.

I hereby certify that I have examined Mr.
 of this Mine, and am satisfied
 that he is competent to conduct blasting operations.

This certificate is granted in accordance with the powers
 conferred on me by Regulation 84 of the Mining (Safety)
 Regulations, 1932.

.....
Manager.

.....
Mine.

.....
Date.

.....
Signature of Holder.

SUPPLEMENT No. 37

COLONY AND PROTECTORATE OF KENYA



Supplement to the Official Gazette

Proclamations, Rules and Regulations

(No. 35)

Vol. XXXIV.—No. 37

August 30, 1932

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Govt. Notice No. 563—The Revised Mining Regulations, 1932.

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PROVISIONAL BLASTING CERTIFICATE.

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I hereby certify that I have examined Mr.
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 that he is competent to conduct blasting operations.

This certificate is granted in accordance with the powers
 conferred on me by Regulation 64 of the Mining (Safety)
 Regulations, 1932.

.....
Manager.

.....
Mine.

.....
Date.

.....
Signature of Holder.

SUPPLEMENT No. 37

COLONY AND PROTECTORATE OF KENYA



Supplement to the Official Gazette

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Govt. Notice No. 563—The Revised Mining Regulations, 1932.

GOVERNMENT NOTICE NO. 563.

THE MINING ORDINANCE, 1931.

REGULATIONS.

IN EXERCISE of the powers conferred upon him by section 101 of the Mining Ordinance, 1931, the Governor's Deputy in Council has been pleased to make the following Regulations:—

1. These Regulations may be cited as "the Revised Mining Regulations, 1932."

DEFINITIONS.

2. For the purpose of these Regulations, the following terms shall bear the following significance:—

- (1) "Ore."—All forms of minerals or mineral aggregates of economic value.
- (2) "Reef in place."—A body of ore-bearing vein stone, contained within defined boundaries in the mass of the earth, all ores known as "float ores" which have been removed from their original place of deposit being excluded.
- (3) "Mining locations."—Defined areas of ground in respect to which mining rights may be acquired under a prospecting right.

For the purpose of these Regulations, the area of mining locations applicable to—

(a) Reef deposits of—

- (i) "precious minerals," shall be a block of not more than ten claims, each claim having an area of not more than 20,000 square yards.
- (ii) "non-precious minerals," shall be the "non-precious minerals location," having an area of not more than 60,000 square yards.

(b) Alluvial deposits shall be a block of not more than ten claims, each claim having an area of not more than 10,000 square feet.

(c) Coal shall be the coal location, having an area of not more than 200 acres.

FEEs, RENTS, ROYALTIES.

3. The fees set out in the Fourth Schedule shall be paid in respect of the matters and things specified in that Schedule.

GOVERNMENT NOTICE NO. 563.

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For the purpose of these Regulations, the area of mining locations applicable to—

(a) Reef deposits of—

- (i) "precious minerals," shall be a block of not more than ten claims, each claim having an area of not more than 20,000 square yards.
- (ii) "non-precious minerals," shall be the "non-precious minerals location," having an area of not more than 60,000 square yards.

(b) Alluvial deposits shall be a block of not more than ten claims, each claim having an area of not more than 10,000 square feet.

(c) Coal shall be the coal location, having an area of not more than 200 acres.

FEEs, RENTS, ROYALTIES.

3. The fees set out in the Fourth Schedule shall be paid in respect of the matters and things specified in that Schedule.

4. The rent payable for a mining lease under section 29 of the Mining Ordinance, 1931 (hereinafter called "the Ordinance"), shall be payable annually in advance without demand, and shall be paid to the Commissioner of Mines (hereinafter called "the Commissioner"), and shall be in addition to any royalties.

5. Royalties shall be payable on demand to the Commissioner, who may, if so requested, thereupon issue a permit to export the mineral on which royalty has been paid.

6. (1) Royalty shall be payable at the following rates:—

- (a) On gold: A royalty of five per cent on the gold won on the gross sum realized.
- (b) On other minerals: As prescribed by the Governor in Council from time to time by notice in the Gazette.
- (c) Any claim-holder or lessee whose total amount of gold won from his registered claims or leases for any one month does not exceed the sum of £50, shall after the royalty of 5 per cent has been paid, be entitled to a refund of one half of the royalty paid.

(2) When it is desired to export minerals, the Commissioner may make an estimate of the amount of the royalty to be paid, which amount shall be paid, or security given for its payment, to the Commissioner before export, whereupon the Commissioner shall issue an export permit:

Provided that no minerals originating in the Colony shall be exported except upon production of the relative export permit to the Commissioner of Customs at the time of making entry for export, or in the case of minerals mined elsewhere than in the Colony and passing through the Colony in transit for exportation, the production of such evidence of origin as the Commissioner of Customs may require.

(3) Within six months of the export, or such extended time as the Commissioner may allow, a sales account in respect of such minerals shall be produced to the Commissioner, and any adjustment made which may be necessary to effect payment of the royalty actually payable.

(4) When the minerals are not being exported, or are being retained for more than one month, or sold locally, royalty shall be paid at any time on demand by the Commissioner.

(5) Save where expressly exempted by the Commissioner, the location-holder or lessee shall keep proper books and accounts showing the expenses incurred and the profits earned, and the Commissioner or other official authorized by him shall have access at all times to such books and accounts and the right to make and keep extracts therefrom.

PROSPECTING RIGHTS.

7. Prospecting rights may be issued by the Commissioner or by any officer appointed by him on his behalf. A prospecting right shall not carry with it the right to enter the classes of land prescribed by section 13 of the Ordinance except as therein provided. A prospecting right shall be substantially in accordance with Form I in the First Schedule.

DISCOVERY NOTICES.

8. The holder of a prospecting right, if authorized thereto by his right, who by the work of himself or his agents, servants, or employees, shall discover exposed reef in place or shall expose reef in place (such reef being herein styled the discovery reef), may post a notice (to be styled the discovery notice). Such notice shall—

- (a) so far as material be in the form No. II in the First Schedule, and all the particulars required by such form shall be duly filled in;
- (b) be carried on an upright support, erected in a conspicuous and accessible place on the surface within 50 feet horizontally of the discovery point, i.e. the point where such reef as aforesaid shall have been exposed or opened up;
- (c) so describe the position of such discovery point as to admit of its easy identification; for such purpose any person shall have all reasonable access to such discovery point.

Provided that—

- (a) no holder of any prospecting right shall post a discovery notice until he shall have exposed or opened up such reef in place as aforesaid, and until he shall have established the position of his discovery point by a peg marked "D.P.";
- (b) the intersection of the reef by a bore hole shall be deemed to constitute an exposure or opening up within the meaning of this section.

4. The rent payable for a mining lease under section 29 of the Mining Ordinance, 1931 (hereinafter called "the Ordinance"), shall be payable annually in advance without demand, and shall be paid to the Commissioner of Mines (hereinafter called "the Commissioner"), and shall be in addition to any royalties.

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(b) On other minerals: As prescribed by the Governor in Council from time to time by notice in the Gazette.

(c) Any claim-holder or lessee whose total amount of gold won from his registered claims or leases for any one month does not exceed the sum of £50, shall after the royalty of 5 per cent has been paid, be entitled to a refund of one half of the royalty paid.

(2) When it is desired to export minerals, the Commissioner may make an estimate of the amount of the royalty to be paid, which amount shall be paid, or security given for its payment, to the Commissioner before export, whereupon the Commissioner shall issue an export permit:

Provided that no minerals originating in the Colony shall be exported except upon production of the relative export permit to the Commissioner of Customs at the time of making entry for export, or in the case of minerals mined elsewhere than in the Colony and passing through the Colony in transit for exportation, the production of such evidence of origin as the Commissioner of Customs may require.

(3) Within six months of the export, or such extended time as the Commissioner may allow, a sales account in respect of such minerals shall be produced to the Commissioner, and any adjustment made which may be necessary to effect payment of the royalty actually payable.

(4) When the minerals are not being exported, or are being retained for more than one month, or sold locally, royalty shall be paid at any time on demand by the Commissioner.

(5) Save where expressly exempted by the Commissioner, the location-holder or lessee shall keep proper books and accounts showing the expenses incurred and the profits earned, and the Commissioner or other official authorized by him shall have access at all times to such books and accounts and the right to make and keep extracts therefrom.

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DISCOVERY NOTICES.

8. The holder of a prospecting right, if authorized thereto by his right, who by the work of himself or his agents, servants, or employees, shall discover exposed reef in place or shall expose reef in place (such reef being herein styled the discovery reef), may post a notice (to be styled the discovery notice). Such notice shall—

(a) so far as material be in the form No. II in the First Schedule, and all the particulars required by such form shall be duly filled in;

(b) be carried on an upright support, erected in a conspicuous and accessible place on the surface within 50 feet horizontally of the discovery point, i.e. the point where such reef as aforesaid shall have been exposed or opened up;

(c) so describe the position of such discovery point as to admit of its easy identification; for such purpose any person shall have all reasonable access to such discovery point.

Provided that—

(a) no holder of any prospecting right shall post a discovery notice until he shall have exposed or opened up such reef in place as aforesaid, and until he shall have established the position of his discovery point by a peg marked "D.P.";

(b) the intersection of the reef by a bore hole shall be deemed to constitute an exposure or opening up within the meaning of this section.

RIGHTS CONFERRED BY DISCOVERY NOTICES.

9. Posting of discovery notices in the manner set forth in the last preceding section shall confer upon the holder of the prospecting right under which they are posted the exclusive privilege of prospecting for a period of thirty-one days from the time of such posting as aforesaid on all ground open to prospecting within the following areas:—

- (a) In the case of prospecting for precious metals, an area described by a radius of 400 yards from the discovery point, and in the case of prospecting for non-precious metals, an area described by a radius of 1,200 yards from the discovery point.
- (b) In the event of the course of a reef being discovered by means of a bore hole within the said thirty-one days, a further period of ninety days, reckoned from the day of such discovery, shall be allowed for prospecting.

Any person who shall alter any of the particulars on the discovery notice as originally posted shall be guilty of an offence.

PEGGING OF BLOCKS AND POSTING OF REGISTRATION NOTICES.

10. A holder of a prospecting right, after the posting of the discovery notice under Regulation 8, and at any time within the period and area prescribed under Regulation 9, may peg off a mining location of such form and area as may be authorized by the right; and thereafter, before the expiration of such period post a notice (to be styled the "registration notice") on a substantial support in a conspicuous and accessible place upon such location. Failure to peg off such location and thereafter to post such registration notice within such period as aforesaid shall be deemed to constitute an abandonment of all rights acquired by the posting of such discovery notice.

Any such registration notice shall, so far as material, be in the form No. III in the First Schedule, and all the particulars required by such form shall be duly filled in.

11. The shape of a claim shall, as nearly as circumstances permit, be that of a rectangular parallelogram. In the case of non-precious mineral claims and precious stones claims, other than alluvial, the length of the longer side shall not exceed thrice the length of the shorter side.

AS TO CORNER PEGS.

12. Any person pegging a claim shall, before lodging an application for registration thereof, erect at all the points of intersection of the boundary lines (which must be straight lines) of the claim, corner pegs marked consecutively A, B, C, D, etc. Such corner pegs shall be not less than 3 ft. in height and, if of wood, not less than 4 inches in diameter.

The discovery point may lie on or within the boundary of the location thus established, and no ground not open to prospecting shall be included in such boundaries.

Every such corner peg shall bear on it, in addition to its distinguishing letter, the number of the prospecting right under which the claim was pegged.

CERTIFICATE OF REGISTRATION.

13. (1) The holder of any mining location upon which such registration notice as aforesaid has been posted may, on application to the District Officer within a period of thirty-one days after the date of posting of such registration notice, obtain a certificate of registration of mining location on payment of a fee of Sh. 10 for each claim in such location.

(2) On every such application the applicant shall lodge for filing with the District Officer in whose district the mining location is situated:—

- (a) Copies of his discovery and registration notices and a plan in duplicate giving the dimensions in yards of the location to be registered and as full particulars and measurements as possible to enable the mining location to be located on the general maps of the district.
- (b) A certificate stating that the said copies of such notices are true copies, and that all the facts stated therein are true and correct.
- (c) A written statement of the principal mineral for which such location is to be exploited.
- (d) The prospecting right and the power of attorney or other document, if any, under and by virtue of which the mining location has been located.

RIGHTS CONFERRED BY DISCOVERY NOTICES.

9. Posting of discovery notices in the manner set forth in the last preceding section shall confer upon the holder of the prospecting right under which they are posted the exclusive privilege of prospecting for a period of thirty-one days from the time of such posting as aforesaid on all ground open to prospecting within the following areas:—

- (a) In the case of prospecting for precious metals, an area described by a radius of 400 yards from the discovery point, and in the case of prospecting for non-precious metals, an area described by a radius of 1,200 yards from the discovery point.
- (b) In the event of the course of a reef being discovered by means of a bore hole within the said thirty-one days, a further period of ninety days, reckoned from the day of such discovery, shall be allowed for prospecting.

Any person who shall alter any of the particulars on the discovery notice as originally posted shall be guilty of an offence.

PEGGING OF BLOCKS AND POSTING OF REGISTRATION NOTICES.

10. A holder of a prospecting right, after the posting of the discovery notice under Regulation 8, and at any time within the period and area prescribed under Regulation 9, may peg off a mining location of such form and area as may be authorized by the right; and thereafter, before the expiration of such period post a notice (to be styled the "registration notice") on a substantial support in a conspicuous and accessible place upon such location. Failure to peg off such location and thereafter to post such registration notice within such period as aforesaid shall be deemed to constitute an abandonment of all rights acquired by the posting of such discovery notice.

Any such registration notice shall, so far as material, be in the form No. III in the First Schedule, and all the particulars required by such form shall be duly filled in.

11. The shape of a claim shall, as nearly as circumstances permit, be that of a rectangular parallelogram. In the case of non-precious mineral claims and precious stones claims, other than alluvial, the length of the longer side shall not exceed thrice the length of the shorter side.

AS TO CORNER PEGS.

12. Any person pegging a claim shall, before lodging an application for registration thereof, erect at all the points of intersection of the boundary lines (which must be straight lines) of the claim, corner pegs marked consecutively A, B, C, D, etc. Such corner pegs shall be not less than 3 ft. in height and, if of wood, not less than 4 inches in diameter.

The discovery point may lie on or within the boundary of the location thus established, and no ground not open to prospecting shall be included in such boundaries.

Every such corner peg shall bear on it, in addition to its distinguishing letter, the number of the prospecting right under which the claim was pegged.

CERTIFICATE OF REGISTRATION.

13. (1) The holder of any mining location upon which such registration notice as aforesaid has been posted may, on application to the District Officer within a period of thirty-one days after the date of posting of such registration notice, obtain a certificate of registration of mining location on payment of a fee of Sh. 10 for each claim in such location.

(2) On every such application the applicant shall lodge for filing with the District Officer in whose district the mining location is situated:—

- (a) Copies of his discovery and registration notices and a plan in duplicate giving the dimensions in yards of the location to be registered and as full particulars and measurements as possible to enable the mining location to be located on the general maps of the district.
- (b) A certificate stating that the said copies of such notices are true copies, and that all the facts stated therein are true and correct.
- (c) A written statement of the principal mineral for which such location is to be exploited.
- (d) The prospecting right and the power of attorney or other document, if any, under and by virtue of which the mining location has been located.

Provided that there shall be no fee payable for initial registration under this Ordinance of a claim registered under the provisions of the Mining Ordinance, 1925.

(3) Failure to apply for such certificate of registration as aforesaid within the aforesaid period of thirty-one days shall be deemed to constitute abandonment of the right to register such mining location as aforesaid: Provided that the Commissioner may, in his discretion, extend the aforesaid period of thirty-one days for a further period of thirty-one days.

(4) Failure to register within such original period of thirty-one days or if it be extended as aforesaid within such extended period shall be deemed to constitute abandonment of such mining location as well as of the right to register it.

(5) Any such certificate of registration shall, so far as material, be in Form No. IV in the First Schedule, and all the particulars required by such form shall be filled in.

CORNER PEGS TO BE REPLACED BY STONE BEACONS.

14. (1) Within a period of four months from the date of issue of a certificate of registration in respect of any mining location, all the pegs of such location shall be replaced by temporary stone beacons.

(2) Every such temporary stone beacon shall be at least 2 feet high and 4 feet in diameter at the base, and in the centre of such beacon shall be solidly and securely fixed a peg in an upright position and standing not less than 2 feet above the top of such beacon.

(3) At every beacon, whether temporary or of solid masonry work, shall be dug two trenches not less than 3 feet long, 6 inches wide and 1 foot deep to indicate the directions of the intersecting boundary lines.

(4) The peg of every beacon on a registered mining location shall bear a notice board or notice containing, in the order shown, the following particulars:—

- (a) A letter corresponding to the letter assigned to such peg in the registration notice.
- (b) The name of the reef and nature of the location or, if an alluvial location, the word "Alluvial."

- (c) The registered number of the location.
- (d) The date of the original registration of the location.
- (e) The office at which the location is registered.
- (f) The name or names of the holder.

REQUIREMENTS OF NOTICE BOARDS AND NOTICES.

15. Notice boards on which discovery of registration notices are posted, or which are fixed to pegs or beacons marking the boundaries of a mining location shall be at least 9 inches square. A notice shall be distinctly and legibly written, printed or painted, and no paper or other material liable to be washed off shall be attached to a board, and no writing liable to be rendered illegible by rain or exposure shall, except for purely temporary purposes, be deemed a proper marking.

CLAIMS AND LOCATIONS MAY NOT BE PEGGED BETWEEN SUNSET AND SUNRISE.

16. No person shall peg any mining claim or location (which term for the purposes of this regulation includes the posting of a discovery or registration notice) between sunset and sunrise. The pegging of any such area as aforesaid during such forbidden times shall not confer any rights whatsoever. No pegging shall be deemed to be illegal by reason of being done on a Sunday or other *dies non*.

ALLUVIAL LOCATIONS.

Locating of Alluvial Claims—Fixing Position Thereof.

17. (1) The position of all the points of intersection of the boundary lines (which shall be straight lines) of an alluvial claim of precious metals pegged off by the holder of a prospecting right under the provisions of his right shall be established by corner pegs marked consecutively A, B, C, D, etc., and each bear a notice (to be styled the "registration notice") headed with the words "Alluvial Claim," containing the date and hour of establishing the pegs, the number of the prospecting right, the name of the pegger and the names of the witnesses (if any) of the establishment of the pegs: Provided that no ground not open to prospecting shall be included within such boundary lines. Any such registration notice shall, so far as material, be in the Form No. V in the First Schedule, and all the particulars required by such form shall be duly filled in.

Provided that there shall be no fee payable for initial registration under this Ordinance of a claim registered under the provisions of the Mining Ordinance, 1925.

(3) Failure to apply for such certificate of registration as aforesaid within the aforesaid period of thirty-one days shall be deemed to constitute abandonment of the right to register such mining location as aforesaid: Provided that the Commissioner may, in his discretion, extend the aforesaid period of thirty-one days for a further period of thirty-one days.

(4) Failure to register within such original period of thirty-one days or if it be extended as aforesaid within such extended period shall be deemed to constitute abandonment of such mining location as well as of the right to register it.

(5) Any such certificate of registration shall, so far as material, be in form No. IV in the First Schedule, and all the particulars required by such form shall be filled in.

CORNER PEGS TO BE REPLACED BY STONE BEACONS.

14. (1) Within a period of four months from the date of issue of a certificate of registration in respect of any mining location, all the pegs of such location shall be replaced by temporary stone beacons.

(2) Every such temporary stone beacon shall be at least 2 feet high and 4 feet in diameter at the base, and in the centre of such beacon shall be solidly and securely fixed a peg in an upright position and standing not less than 2 feet above the top of such beacon.

(3) At every beacon, whether temporary or of solid masonry work, shall be dug two trenches not less than 3 feet long, 6 inches wide and 1 foot deep to indicate the directions of the intersecting boundary lines.

(4) The peg of every beacon on a registered mining location shall bear a notice board or notice containing, in the order shown, the following particulars:—

- (a) A letter corresponding to the letter assigned to such peg in the registration notice.
- (b) The name of the reef and nature of the location or, if an alluvial location, the word "Alluvial."

- (c) The registered number of the location.
- (d) The date of the original registration of the location.
- (e) The office at which the location is registered.
- (f) The name or names of the holder.

REQUIREMENTS OF NOTICE BOARDS AND NOTICES.

15. Notice boards on which discovery or registration notices are posted, or which are fixed to pegs or beacons marking the boundaries of a mining location shall be at least 9 inches square. A notice shall be distinctly and legibly written, printed or painted, and no paper or other material liable to be washed off shall be attached to a board, and no writing liable to be rendered illegible by rain or exposure shall, except for purely temporary purposes, be deemed a proper marking.

CLAIMS AND LOCATIONS MAY NOT BE PEGGED BETWEEN SUNSET AND SUNRISE.

16. No person shall peg any mining claim or location (which term for the purposes of this regulation includes the posting of a discovery or registration notice) between sunset and sunrise. The pegging of any such area as aforesaid during such forbidden times shall not confer any rights whatsoever. No pegging shall be deemed to be illegal by reason of being done on a Sunday or other *die* non.

ALLUVIAL LOCATIONS.

Locating of Alluvial Claims—Firing Position Thereof.

17. (1) The position of all the points of intersection of the boundary lines (which shall be straight lines) of an alluvial claim of precious metals pegged off by the holder of a prospecting right under the provisions of his right shall be established by corner pegs marked consecutively A, B, C, D, etc., and each bear a notice (to be styled the "registration notice") headed with the words "Alluvial Claim," containing the date and hour of establishing the pegs, the number of the prospecting right, the name of the pegger and the names of the witnesses (if any) of the establishment of the pegs: Provided that no ground not open to prospecting shall be included within such boundary lines. Any such registration notice shall, so far as material, be in the Form No. V in the First Schedule, and all the particulars required by such form shall be duly filled in.

(2) The locator of any alluvial location may, on application to the District Officer within a period of thirty-one days from the locating thereof, obtain a certificate of registration on payment of a fee of Sh. 2 for each claim.

(3) On every such application as aforesaid the applicant shall lodge for filing with the District Officer:—

- (a) A plan identifying, to the satisfaction of the registering officer, the position of the location to be registered.
- (b) A registration notice which shall, as nearly as material, be in the Form No. V in the First Schedule, and all the particulars required by such form shall be duly filled in.
- (c) A certificate stating that all the facts contained in the aforesaid registration notice are true and correct.
- (d) The prospecting right and power or attorney or other document (if any) under or by virtue of which the location shall have been located.

(4) Failure to apply for such certificate of registration as aforesaid within the aforesaid period of thirty-one days shall be deemed to constitute abandonment of the right to register such alluvial location: Provided that it shall be lawful for the Commissioner, in his discretion, to extend the aforesaid period of thirty-one days for a further period of thirty-one days.

(5) Failure to register within such original period of thirty-one days or, if it be extended, within such extended period shall be deemed to constitute abandonment of such alluvial location, as well as of the right to register it.

(6) Any such certificate of registration shall, so far as material, be in the Form No. VI in the First Schedule, and all the particulars required by such form shall be filled in.

(7) Regulations No. 8 to No. 13 inclusive shall not apply to alluvial locations.

COAL LOCATION: PROSPECTING FOR COAL.

18. (1) The holder of a prospecting right may apply to the Commissioner for areas not exceeding 300 acres in extent as "coal prospecting areas." Such application shall be accompanied by an affidavit that indication of the existence of coal has been discovered by him and a sketch plan showing the locality and position of the area.

(2) The Commissioner, upon being satisfied with the plan, and that the ground is open for prospecting, may issue a certificate with regard to such coal prospecting area, and post a notice in the office of the district officer that such prospecting area is reserved against all prospecting for coal by others for a period of one year commencing from the date of the certificate (hereinafter called the "Coal Certificate").

(3) The holder of a coal prospecting area shall cause to be erected beacons at least 3 feet high, composed of stones piled together and containing a stout iron pole or rod to which shall be affixed a notice board or plate, at least 6 feet above the ground containing the name of the holder of the coal prospecting area, and the number and date of erection of such beacons. These particulars shall be clearly and permanently painted or written on the notice board or plate.

(4) The beacons of a coal prospecting area shall be so erected that each corner beacon can be readily seen from at least two other corner beacons, and where this is impossible, line beacons shall likewise be erected. At each beacon two trenches shall be dug as prescribed in Regulation No. 14. Such beacons shall be erected within ninety days from the date of the coal certificate, and an affidavit shall be filed with the district officer that they have been so erected.

(5) The exclusive right to prospect for coal on or under any area as aforesaid shall continue for the period of one year calculated from the date of the coal certificate. If, however, no actual or bona fide prospecting operations are carried on or continued during such year, the right to prospect shall at the expiration thereof cease and determine, and the coal prospecting area or any portion thereof be open to prospecting or beaconing off by others.

(6) Upon the actual discovery of coal within the coal prospecting area during such year, the holder may select and peg in any part of it a coal location. The holder of such coal location shall within six months from the date of the selection of the coal location submit to the Commissioner a plan of such location in duplicate prepared by a surveyor. The plan shall be accompanied by an affidavit made by the owner or holder stating that all the beacons are duly and properly erected and shall clearly show the extent and the beacons of the coal location. The beacons shall be tied to fixed points and shall be of solid masonry at least 4 feet high, and erected in number and manner as provided in subsection 4, and shall bear a notice board or plate containing

(2) The locator of any alluvial location may, on application to the District Officer within a period of thirty-one days from the locating thereof, obtain a certificate of registration on payment of a fee of Sh. 2 for each claim.

(3) On every such application as aforesaid the applicant shall lodge for filing with the District Officer :-

(a) A plan identifying, to the satisfaction of the registering officer, the position of the location to be registered.

(b) A registration notice which shall, as nearly as material, be in the Form No. V in the First Schedule, and all the particulars required by such form shall be duly filled in.

(c) A certificate stating that all the facts contained in the aforesaid registration notice are true and correct.

(d) The prospecting right and power or attorney or other document (if any) under or by virtue of which the location shall have been located.

(4) Failure to apply for such certificate of registration as aforesaid within the aforesaid period of thirty-one days shall be deemed to constitute abandonment of the right to register such alluvial location: Provided that it shall be lawful for the Commissioner, in his discretion, to extend the aforesaid period of thirty-one days for a further period of thirty-one days.

(5) Failure to register within such original period of thirty-one days or, if it be extended, within such extended period shall be deemed to constitute abandonment of such alluvial location, as well as of the right to register it.

(6) Any such certificate of registration shall, so far as material, be in the Form No. VI in the First Schedule, and all the particulars required by such form shall be filled in.

(7) Regulations No. 8 to No. 13 inclusive shall not apply to alluvial locations.

COAL LOCATION; PROSPECTING FOR COAL.

18. (1) The holder of a prospecting right may apply to the Commissioner for areas not exceeding 300 acres in extent as "coal prospecting areas." Such application shall be accompanied by an affidavit that indication of the existence of coal has been discovered by him and a sketch plan showing the locality and position of the area.

(2) The Commissioner, upon being satisfied with the plan, and that the ground is open for prospecting, may issue a certificate with regard to such coal prospecting area, and post a notice in the office of the district officer that such prospecting area is reserved against all prospecting for coal by others for a period of one year commencing from the date of the certificate (hereinafter called the "Coal Certificate").

(3) The holder of a coal prospecting area shall cause to be erected beacons at least 3 feet high, composed of stones piled together and containing a stout iron pole or rod to which shall be affixed a notice board or plate, at least 6 feet above the ground containing the name of the holder of the coal prospecting area, and the number and date of erection of such beacons. These particulars shall be clearly and permanently painted or written on the notice board or plate.

(4) The beacons of a coal prospecting area shall be so erected that each corner beacon can be readily seen from at least two other corner beacons, and where this is impossible, line beacons shall likewise be erected. At each beacon two trenches shall be dug as prescribed in Regulation No. 14. Such beacons shall be erected within ninety days from the date of the coal certificate, and an affidavit shall be filed with the district officer that they have been so erected.

(5) The exclusive right to prospect for coal on or under any area as aforesaid shall continue for the period of one year calculated from the date of the coal certificate. If, however, no actual or bona fide prospecting operations are carried on or continued during such year, the right to prospect shall at the expiration thereof cease and determine, and the coal prospecting area or any portion thereof be open to prospecting or beaconing off by others.

(6) Upon the actual discovery of coal within the coal prospecting area during such year, the holder may select and peg in any part of it a coal location. The holder of such coal location shall within six months from the date of the selection of the coal location submit to the Commissioner a plan of such location in duplicate prepared by a surveyor. The plan shall be accompanied by an affidavit made by the owner or holder stating that all the beacons are duly and properly erected and shall clearly show the extent and the beacons of the coal location. The beacons shall be tied to fixed points and shall be of solid masonry at least 4 feet high, and erected in number and manner as provided in sub-section 4, and shall bear a notice board or plate containing

the following particulars clearly painted thereon, viz., the nature of the location, the official number of the location, the date of registration, and the name of the registered owner. The beacons shall be connected by survey to trigonometrical stations, if any exist in the neighbourhood.

(7) Failure to submit such plan within such six months shall be deemed to constitute abandonment of the right to register such coal location; provided that it shall be lawful for the Commissioner at his discretion to extend the aforesaid period of six months for a further period of two months. Failure to submit such plan within such original period of six months or if it be extended for such extended period shall be deemed to constitute abandonment of such coal location as well as of the right to register it.

(8) After the plan in duplicate has been approved by the Commissioner, and the fact thereof endorsed thereon, one copy of the diagram shall be kept in the office of the Commissioner and one returned to the holder of the coal location to which it refers.

(9) The selection of a coal location shall provisionally protect the holder thereof against all prospecting for coal by other persons until a certificate of registration shall have been obtained which shall confer full protection until the right to register such location shall have been abandoned or be deemed to have been abandoned.

(10) As soon as the plan of the coal location has been approved a certificate of registration shall be granted by the Commissioner to the owner or holder of such location on payment of a fee of £1 for every 200 acres or portion of 200 acres selected.

(11) Any such certificate of registration shall, so far as material, be in the Form No. VII in the First Schedule, and all the particulars required by such form shall be filled in.

(12) Upon transfer of any coal prospecting area or coal location, a new certificate of registration shall be issued by the Commissioner to the transferee, and a fee of the value of £1 for every 200 acres or portion of 200 acres so transferred shall be charged for the new certificate of registration, in addition to any stamp duty leviable by law.

(13) Any such transfer shall, so far as material, be in the Form No. X in the First Schedule and all the particulars required by such form shall be filled in.

(14) Regulations No. 8 to No. 13 inclusive shall not apply to a coal prospecting area or to a coal location.

LOCATIONS TO HAVE A REGISTERED NUMBER.

19. To every mining location there shall, on the original registration thereof in the book of a district officer, be assigned an official or registered number.

PRIORITY OF TITLE TO GOVERN RIGHTS OF FRESH PEGGERS.

20. (1) Priority of acquisition of title to another mining location, provided such title has been duly maintained, shall in every case determine the rights as between the various peggers of mining locations, and in all cases of dispute the rule shall be followed that, in the event of the rights of any subsequent pegger conflicting with the rights of a prior pegger, then, to the extent to which such rights shall conflict, shall the rights of any subsequent pegger be subordinated to those of the prior pegger, and all certificates of registration shall be deemed to be issued subject to the above conditions. For the purpose of this regulation "acquisition of title" shall be taken to mean due performance of the first physical act required to be done in order to acquire any exclusive rights in respect of any mining location, reef or deposit.

(2) When a certificate of registration of any mining location has been issued for a period of two years, or after the transfer of such mining location to a bona fide purchaser for value, and provided that the certificate of registration shall have been issued for a period of six months, it shall not be competent for any pegger who shall, after the expiration of the aforesaid periods of two years and six months respectively, have pegged off such location or any portion of it (whether such pegging shall have taken place prior to or subsequent to the promulgation of these rules and regulations) to allege that the locating of such location was invalid or illegal, or that the provisions of the Mining Ordinance were not properly carried out prior to the aforesaid issue of the certificate of registration or prior to such transfer of the location.

(3) The term "pegger" shall, for the purpose of this regulation, include and mean the person in whose name, or on whose behalf such mining location was registered, and each and every successor in title to the rights acquired by such person.

21. (1) Application for the renewal of a claim shall be made through the district officer at least two months before the expiration of the claim. When such application has been made as aforesaid but the holder has not been notified as to

the following particulars clearly painted thereon, viz., the nature of the location, the official number of the location, the date of registration, and the name of the registered owner. The beacons shall be connected by survey to trigonometrical stations, if any exist in the neighbourhood.

(7) Failure to submit such plan within such six months shall be deemed to constitute abandonment of the right to register such coal location; provided that it shall be lawful for the Commissioner at his discretion to extend the aforesaid period of six months for a further period of two months. Failure to submit such plan within such original period of six months or if it be extended for such extended period shall be deemed to constitute abandonment of such coal location as well as of the right to register it.

(8) After the plan in duplicate has been approved by the Commissioner, and the fact thereof endorsed thereon, one copy of the diagram shall be kept in the office of the Commissioner and one returned to the holder of the coal location to which it refers.

(9) The selection of a coal location shall provisionally protect the holder thereof against all prospecting for coal by other persons until a certificate of registration shall have been obtained which shall confer full protection until the right to register such location shall have been abandoned or be deemed to have been abandoned.

(10) As soon as the plan of the coal location has been approved a certificate of registration shall be granted by the Commissioner to the owner or holder of such location on payment of a fee of £1 for every 200 acres or portion of 200 acres selected.

(11) Any such certificate of registration shall, so far as material, be in the Form No. VII in the First Schedule, and all the particulars required by such form shall be filled in.

(12) Upon transfer of any coal prospecting area or coal location, a new certificate of registration shall be issued by the Commissioner to the transferee, and a fee of the value of £1 for every 200 acres or portion of 200 acres so transferred shall be charged for the new certificate of registration, in addition to any stamp duty leviable by law.

(13) Any such transfer shall, so far as material, be in the Form No. X in the First Schedule and all the particulars required by such form shall be filled in.

(14) Regulations No. 8 to No. 13 inclusive shall not apply to a coal prospecting area or to a coal location.

LOCATIONS TO HAVE A REGISTERED NUMBER.

19. To every mining location there shall, on the original registration thereof in the book of a district officer, be assigned an official or registered number.

PRIORITY OF TITLE TO GOVERN RIGHTS OF FRESH PEGGERS.

20. (1) Priority of acquisition of title to another mining location, provided such title has been duly maintained, shall in every case determine the rights as between the various peggers of mining locations, and in all cases of dispute the rule shall be followed that, in the event of the rights of any subsequent pegger conflicting with the rights of a prior pegger, then, to the extent to which such rights shall conflict, shall the rights of any subsequent pegger be subordinated to those of the prior pegger, and all certificates of registration shall be deemed to be issued subject to the above conditions. For the purpose of this regulation "acquisition of title" shall be taken to mean due performance of the first physical act required to be done in order to acquire any exclusive rights in respect of any mining location, reef or deposit.

(2) When a certificate of registration of any mining location has been issued for a period of two years, or after the transfer of such mining location to a bona fide purchaser for value, and provided that the certificate of registration shall have been issued for a period of six months, it shall not be competent for any pegger who shall, after the expiration of the aforesaid periods of two years and six months respectively, have pegged off such location or any portion of it (whether such pegging shall have taken place prior to or subsequent to the promulgation of these rules and regulations) to allege that the locating of such location was invalid or illegal, or that the provisions of the Mining Ordinance were not properly carried out prior to the aforesaid issue of the certificate of registration or prior to such transfer of the location.

(3) The term "pegger" shall, for the purpose of this regulation, include and mean the person in whose name, or on whose behalf such mining location was registered, and each and every successor in title to the rights acquired by such person.

21. (1) Application for the renewal of a claim shall be made through the district officer at least two months before the expiration of the claim. When such application has been made as aforesaid but the holder has not been notified as to

whether his application is allowed before the date on which the claim expires, the holder may continue his mining operations unless and until notified that his application is disallowed. If allowed the renewal shall date from the date on which the claim would, but for such renewal, have expired.

(2) A declaration as to the amount of development effected accompanied by a report and plan illustrating such development on each claim shall be furnished at the time of application for the renewal of a claim.

22. (a) The holder of any claim other than a reef claim shall, unless he has been informed that registration has been refused, either by himself or by some person in his employ, after thirty days from the date of application for registration, diligently carry on prospecting or mining operations during the continuance of the claim to the satisfaction of the Inspector of Mines.

(b) The holder of a reef mining location shall for each year of the continuance of the claim execute upon the area of each claim at least 10 feet of development work of the nature set forth in the Second Schedule, not less than half of which shall be completed in the first six months of each such year.

(c) In lieu of such development the Commissioner may in his discretion allow the claim holder to pay the sum of Sh. 20 per claim.

23. Excess work on one claim shall be allowed to count towards the working conditions on the rest of the claims falling within one mining location.

24. The Commissioner may for any reason appearing sufficient to him, allow the holder of a claim to effect a smaller amount of development work than that prescribed.

25. Any person taking forcible possession of a claim or commencing to work such claim after this right to take possession thereof or to work such claim has been disputed, shall be liable to forfeit all right and title to the possession of such claim, and shall be liable to a fine not exceeding £10.

26. The holder of a registered location may, in Form No. X in the First Schedule transfer the same and the transferee shall, within thirty days of the date of the transfer, apply to the Commissioner for registration of such transfer, and on payment of a fee of Sh. 10 for each claim comprising such location, the Commissioner shall register such transfer in the claim register.

27. The holder of a registered location may, in Form No. XI in the First Schedule, transfer one or more claims in the said location; and the transferee shall, within thirty days of the date of the transfer, apply to the Commissioner for registration of such transfer, and on payment of a fee of Sh. 10 per claim, the Commissioner shall register such transfer in the claim register.

28. Regulation 32 shall apply *mutatis mutandis* to locations.

EXCLUSIVE PROSPECTING LICENCES.

29. An application for an exclusive prospecting licence shall be made to the Commissioner through the Inspector of Mines or District Officer, in duplicate in the Form VIII in the First Schedule, and shall give the particulars therein required.

30. (a) A sketch plan in duplicate on a reasonable scale shall accompany the application, and shall show the following details:—

- (i) The approximate position of the chief local objects, land marks or any other beacons in the neighbourhood.
 - (ii) The topographical features in such a manner as will illustrate the position of the boundaries and enable them to be identified on the ground.
 - (iii) The approximate distance and direction of some town or village which is shown on maps of the Colony as supplied by the Survey Department.
 - (iv) The area concerned shall be adequately shown with relation to known trigonometrical points or topographical features to enable the area to be effected if required by the Commissioner.
- (b) If the Commissioner is not satisfied with the adequacy of the sketch plan submitted, he may refuse to consider the application.

31. The prescribed fees shall accompany the application.

32. The Commissioner may, if satisfied that a survey is necessary for the prevention of differences as to boundaries of the land, or for securing a proper definition of the area, included in any licence, give notice to the holder of such licence that a survey and plan are required of the land included therein, and thereupon the licensee at his own expense shall cause the land to be surveyed by a licensed surveyor, and

whether his application is allowed before the date on which the claim expires, the holder may continue his mining operations unless and until notified that his application is disallowed. If allowed the renewal shall date from the date on which the claim would, but for such renewal, have expired.

(2) A declaration as to the amount of development effected accompanied by a report and plan illustrating such development on each claim shall be furnished at the time of application for the renewal of a claim.

22. (a) The holder of any claim other than a reef claim shall, unless he has been informed that registration has been refused, either by himself or by some person in his employ, after thirty days from the date of application for registration, diligently carry on prospecting or mining operations during the continuance of the claim to the satisfaction of the Inspector of Mines.

(b) The holder of a reef mining location shall for each year of the continuance of the claim execute upon the area of each claim at least 10 feet of development work of the nature set forth in the Second Schedule, not less than half of which shall be completed in the first six months of each such year.

(c) In lieu of such development the Commissioner may in his discretion allow the claim holder to pay the sum of Sh. 20 per claim.

23. Excess work one claim shall be allowed to count towards the working conditions on the rest of the claims falling within one mining location.

24. The Commissioner may for any reason appearing sufficient to him, allow the holder of a claim to effect a smaller amount of development work than that prescribed.

25. Any person taking forcible possession of a claim or commencing to work such claim after this right to take possession thereof or to work such claim has been disputed, shall be liable to forfeit all right and title to the possession of such claim, and shall be liable to a fine not exceeding £10.

26. The holder of a registered location may, in Form No. X in the First Schedule transfer the same and the transferee shall, within thirty days of the date of the transfer, apply to the Commissioner for registration of such transfer, and on payment of a fee of Sh. 10 for each claim comprising such location, the Commissioner shall register such transfer in the claim register.

27. The holder of a registered location may, in Form No. XI in the First Schedule, transfer one or more claims in the said location; and the transferee shall, within thirty days of the date of the transfer, apply to the Commissioner for registration of such transfer, and on payment of a fee of Sh. 10 per claim, the Commissioner shall register such transfer in the claim register.

28. Regulation 32 shall apply *mutatis mutandis* to locations.

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30. (a) A sketch plan in duplicate on a reasonable scale shall accompany the application, and shall show the following details:—

- (i) The approximate position of the chief local objects, land marks or any other beacons in the neighbourhood.
- (ii) The topographical features in such a manner as will illustrate the position of the boundaries and enable them to be identified on the ground.
- (iii) The approximate distance and direction of some town or village which is shown on maps of the Colony as supplied by the Survey Department.
- (iv) The area concerned shall be adequately shown with relation to known trigonometrical points or topographical features to enable the area to be surveyed if required by the Commissioner.

(b) If the Commissioner is not satisfied with the adequacy of the sketch plan submitted, he may refuse to consider the application.

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32. The Commissioner may, if satisfied that a survey is necessary for the prevention of differences as to boundaries of the land, or for securing a proper definition of the area, included in any licence, give notice to the holder of such licence that a survey and plan are required of the land included therein, and thereupon the licensee at his own expense shall cause the land to be surveyed by a licensed surveyor, and

shall produce the plan to the Commissioner, and the survey and plan shall be such as the Surveyor General may approve. If the licensee fails to produce the plan within such time as the Commissioner by writing requires, the Commissioner may cancel the licence by notice in the Gazette.

33. Within one month after the date of the licence the licensee shall erect suitable boundary beacons (as defined in Regulation 18 (3) and (4)) at all necessary points of the boundaries and shall at all times at each corner beacon and at each beacon on a main stream keep the boundary lines for a distance of fifty yards in each direction cut and cleared of vegetation, and shall, if required by the Commissioner, clear of vegetation all or any of the boundary lines specified by the Commissioner: provided that the holder of a licence shall not be required to clear any line more often than once in any year.

34. During the term of the licence the licensee shall post and maintain all such notices as are required by these regulations on the land showing clearly the situation and direction of all boundaries.

35. Application for the renewal of an exclusive prospecting licence shall be made through the Commissioner at least two months before the expiration of the licence. When such application has been made as aforesaid, but the holder has not been notified as to whether his application is allowed before the date on which the licence expires, the holder may continue his prospecting operations unless and until notified that his application is disallowed. If allowed the renewal shall date from the date on which the licence would, but for such renewal, have expired.

36. The holder of a prospecting right or an exclusive prospecting licence who may desire to retain or dispose of any minerals obtained in the course of prospecting shall make application in writing to the Commissioner, and shall in such application state the kind and quantity of minerals in respect of which the application is made and the situation of the land from which the mineral was obtained, and shall furnish such other information as the Commissioner shall require.

LEASES.

37. (1) If the holder of any mining location shall, in accordance with the provisions of the prospecting right under which the location was acquired, be entitled to apply for a lease, he may apply to the Commissioner for a lease covering

any mining location and such additional land as may be required for residential and general mining purposes. Such registration holder shall, upon application, deposit with the Commissioner the last certificate of registration issued in connexion with such location, and also a written undertaking to defray the cost of survey and the cost of suitable plans for attachment to the lease.

(2) The applicant for a lease of a mining location shall, with his application, file an affidavit setting forth that the beacons or beacons of the location have been bona fide erected and properly maintained and continued, and also, where possible, stating all the adjoining locations (if any). The affidavit shall further set forth that the applicant and his predecessor in title (if any) have for the period of six months prior to the date of the application been in undisturbed and bona fide possession and occupation of the location and shall show that the applicant is entitled to make the application.

(3) The Commissioner upon receipt of such application and after the necessary survey has been made and plans lodged, shall, at the expense of the applicant, cause a notice to be inserted once in the Gazette and three times in a local newspaper, at intervals of not less than a week, containing particulars of the application. The Commissioner shall also give written notice to any person known to him to have or claim any interest and to all holders of adjoining locations (if any). In the event of the application for a lease embracing two or more contiguous locations appertaining to the same holder, a survey and plan in duplicate of the whole will be sufficient instead of a separate plan of each location.

(4) Objections in writing against any such application may be lodged with the Commissioner by any person interested in the matter at any time within the period of ninety days from the date of the last publication in the preceding subsection directed. No objection shall be received or considered if not lodged within the said period of ninety days.

(5) In the event of any objections being lodged as aforesaid, such objections shall be heard and determined by the Commissioner, who shall make such order thereon as the notice of the case may require. From the decision and award of the Commissioner there shall be an appeal to the Governor.

(6) Where no objections have been lodged with the Commissioner against the application for a lease within the prescribed time, or any objections have been disallowed or

shall produce the plan to the Commissioner, and the survey and plan shall be such as the Surveyor General may approve. If the licensee fails to produce the plan within such time as the Commissioner by writing requires, the Commissioner may cancel the licence by notice in the Gazette.

33. Within one month after the date of the licence the licensee shall erect suitable boundary beacons (as defined in Regulation 18 (3) and (4)) at all necessary points of the boundaries and shall at all times at each corner beacon and at each beacon on a main stream keep the boundary lines for a distance of fifty yards in each direction cut and cleared of vegetation, and shall, if required by the Commissioner, clear of vegetation all or any of the boundary lines specified by the Commissioner: provided that the holder of a licence shall not be required to clear any line more often than once in any year.

34. During the term of the licence the licensee shall plot and maintain all such notices as are required by these regulations on the land showing clearly the situation and direction of all boundaries.

35. Application for the renewal of an exclusive prospecting licence shall be made through the Commissioner at least two months before the expiration of the licence. When such application has been made as aforesaid, but the holder has not been notified as to whether his application is allowed before the date on which the licence expires, the holder may continue his prospecting operations unless and until notified that his application is disallowed. If allowed the renewal shall date from the date on which the licence would, but for such renewal, have expired.

36. The holder of a prospecting right or an exclusive prospecting licence who may desire to retain or dispose of any minerals obtained in the course of prospecting shall make application in writing to the Commissioner, and shall in such application state the kind and quantity of minerals in respect of which the application is made and the situation of the land from which the mineral was obtained, and shall furnish such other information as the Commissioner shall require.

LEASES.

37. (1) If the holder of any mining location shall, in accordance with the provisions of the prospecting right under which the location was acquired, be entitled to apply for a lease, he may apply to the Commissioner for a lease covering

his mining location and such additional land as may be required for residential and general mining purposes. Such registration holder shall, upon application, deposit with the Commissioner the last certificate of registration issued in connexion with such location, and also a written undertaking to defray the cost of survey and the cost of suitable plans for attachment to the lease.

(2) The applicant for a lease of a mining location shall, with his application, file an affidavit setting forth that the pegs or beacons of the location have been bona fide erected and properly maintained and continued, and also, where possible, stating all the adjoining locations (if any). The affidavit shall further set forth that the applicant and his predecessor in title (if any) have for the period of six months prior to the date of the application been in undisturbed and bona fide possession and occupation of the location and shall show that the applicant is entitled to make the application.

(3) The Commissioner upon receipt of such application and after the necessary survey has been made and plans lodged, shall, at the expense of the applicant, cause a notice to be inserted once in the Gazette and three times in a local newspaper, at intervals of not less than a week, containing particulars of the application. The Commissioner shall also give written notice to any person known to him to have or claim any interest and to all holders of adjoining locations (if any). In the event of the application for a lease embracing two or more contiguous locations appertaining to the same holder, a survey and plan in duplicate of the whole will be sufficient instead of a separate plan of each location.

(4) Objections in writing against any such application may be lodged with the Commissioner by any person interested in the matter at any time within the period of ninety days from the date of the last publication in the preceding subsection directed. No objection shall be received or considered if not lodged within the said period of ninety days.

(5) In the event of any objections being lodged as aforesaid, such objections shall be heard and determined by the Commissioner, who shall make such order thereon as the notice of the case may require. From the decision and award of the Commissioner there shall be an appeal to the Governor.

(6) Where no objections have been lodged with the Commissioner against the application for a lease within the prescribed time, or any objections have been disallowed or

have lapsed, the Commissioner shall issue to the applicant a lease. Before, however, issuing such lease the Commissioner shall satisfy himself that proper corner beacons of solid mason work, 4 feet high, have been erected, and that every such beacon bears a notice board containing the name of the location, its official number, the name of the registered holder, and further that trenches have been dug as provided for in Regulation 14 (3).

(7) Every lease shall be accompanied by a plan prepared by a licensed surveyor showing the exact position of the location in respect to which the lease is granted, and its corner beacons, as well as specifying accurately all the ground adjoining such location. No lease shall be issued by the Commissioner until after payment by the applicant of the expense of publication of the notices and of the survey and preparation of the plan.

(8) The Commissioner shall keep a duplicate of every lease and of every plan issued by him as in the last preceding sub-section mentioned, to be filed and preserved in the Mining Register.

(9) Any such lease shall, as far as material, be in the Form No. XIII in the First Schedule, and all the particulars required by such form shall be filled in.

38. The lessee of a lode lease shall for each year of the continuance of the lease and for every 10 acres or part thereof included in the area of the lease, execute at least 25 feet of development work of the nature set forth in the Second Schedule.

39. Regulation 24 shall apply, *mutatis mutandis*, to leases.

LOSS OF CERTIFICATE OF REGISTRATION OR OF LEASE.

40. (1) In case the holder of the Certificate of Registration or of a lease last issued in respect of any mining location shall have lost or mislaid such certificate or lease, he may, thirty-one days after publication in the Gazette, in a form to be approved by the Commissioner, of his intention to do so, apply to the Commissioner for a certified copy thereof, and if the Commissioner is satisfied that no good reason to the contrary exists, he may issue such certified copy to the applicant upon the receipt of an affidavit, which *inter alia*, shall state:—

- (a) The fact of the loss or destruction of the certificate or lease, or that the same has been mislaid.

(b) That he has not delivered or pledged the same to any person either as security for money advanced to or owing by him or otherwise.

(c) That he is of right entitled to the location mentioned in the certificate or lease of which a copy is required.

(2) Such certified copy shall, to the same extent as the original certificate or lease, be held and considered to be evidence of title to such location or lease, and available for all purposes for which the original, if produced would be available.

ABANDONMENT OF LOCATIONS NOT REGISTERED.

41. The holder of any mining location, with respect to which no certificate of registration has yet been obtained, may (subject to any provision to the contrary contained in these regulations) at any time abandon such location, provided that he shall previous to such abandonment remove all beacons, pegs, stakes and notices from such location, and shall put upon a post on the location a notice stating the fact and date of such abandonment.

RE-LOCATION BY PREVIOUS HOLDER NOT TO BE MADE WITHIN THREE MONTHS OF ABANDONMENT.

42. No person directly or indirectly by an agent or otherwise shall make any re-location upon any unregistered mining location which he has abandoned under the provisions of these regulations until after the expiration of three months from the date when such location was abandoned by him.

RE-LOCATION BY PEGGERS OTHER THAN PREVIOUS HOLDER NOT TO BE MADE WITHIN SEVEN DAYS OF ABANDONMENT.

43. No person shall make any re-location upon any unregistered mining location abandoned or deemed to be abandoned under the provisions of these regulations until after the expiration of seven clear days from the date when such location was abandoned by the previous holder.

CERTIFICATE OF ABANDONMENT OF REGISTERED LOCATION.

44. (1) If the holder of any registered mining location shall, in accordance with the provisions of the prospecting right under which the location was acquired, be entitled to apply

have lapsed, the Commissioner shall issue to the applicant a lease. Before, however, issuing such lease the Commissioner shall satisfy himself that proper corner beacons of solid mason work, 4 feet high, have been erected, and that every such beacon bears a notice board containing the name of the location, its official number, the name of the registered holder, and further that trenches have been dug as provided for in Regulation 14 (3).

(7) Every lease shall be accompanied by a plan prepared by a licensed surveyor showing the exact position of the location in respect to which the lease is granted, and its corner beacons, as well as specifying accurately all the ground adjoining such location. No lease shall be issued by the Commissioner until after payment by the applicant of the expense of publication of the notices and of the survey and preparation of the plan.

(8) The Commissioner shall keep a duplicate of every lease and of every plan issued by him as in the last preceding sub-section mentioned, to be filed and preserved in the Mining Register.

(9) Any such lease shall, as far as material, be in the Form No. XIII in the First Schedule, and all the particulars required by such form shall be filled in.

38. The lessee of a lode lease shall for each year of the continuance of the lease and for every 10 acres or part thereof included in the area of the lease, execute at least 25 feet of development work of the nature set forth in the Second Schedule.

39. Regulation 24 shall apply, *mutatis mutandis*, to leases.

LOSS OF CERTIFICATE OF REGISTRATION OR OF LEASE.

40. (1) In case the holder of the Certificate of Registration or of a lease last issued in respect of any mining location shall have lost or mislaid such certificate or lease, he may, thirty-one days after publication in the Gazette, in a form to be approved by the Commissioner, of his intention to do so, apply to the Commissioner for a certified copy thereof, and if the Commissioner is satisfied that no good reason to the contrary exists, he may issue such certified copy to the applicant upon the receipt of an affidavit, which *inter alia*, shall state:—

- (a) The fact of the loss or destruction of the certificate or lease, or that the same has been mislaid.

(b) That he has not delivered or pledged the same to any person either as security for money advanced to or owing by him or otherwise.

(c) That he is of right entitled to the location mentioned in the certificate or lease of which a copy is required.

(2) Such certified copy shall, to the same extent as the original certificate or lease, be held and considered to be evidence of title to such location or lease, and available for all purposes for which the original, if produced would be available.

ABANDONMENT OF LOCATIONS NOT REGISTERED.

41. The holder of any mining location with respect to which no certificate of registration has yet been obtained, may (subject to any provision to the contrary contained in these regulations) at any time abandon such location, provided that he shall previous to such abandonment remove all beacons, pegs, stakes and notices from such location, and shall put upon a post on the location a notice stating the fact and date of such abandonment.

RE-LOCATION BY PREVIOUS HOLDER NOT TO BE MADE WITHIN THREE MONTHS OF ABANDONMENT.

42. No person directly or indirectly by an agent or otherwise shall make any re-location upon any unregistered mining location which he has abandoned under the provisions of these regulations, until after the expiration of three months from the date when such location was abandoned by him.

RE-LOCATION BY PEGGERS OTHER THAN PREVIOUS HOLDER NOT TO BE MADE WITHIN SEVEN DAYS OF ABANDONMENT.

43. No person shall make any re-location upon any unregistered mining location abandoned or deemed to be abandoned under the provisions of these regulations until after the expiration of seven clear days from the date when such location was abandoned by the previous holder.

CERTIFICATE OF ABANDONMENT OF REGISTERED LOCATION.

44. (1) If the holder of any registered mining location shall, in accordance with the provisions of the prospecting right under which the location was acquired, be entitled to apply

for certificate of abandonment thereof, or of any portion thereof, he may apply in writing to the Commissioner for, and, upon satisfying the Commissioner by affidavit that he is so entitled, may obtain a certificate of abandonment as from the date of such affidavit and such certificate shall be deemed to constitute valid and sufficient proof of such abandonment. In the event of abandonment of a portion only of any location, the remainder thereof shall be re-beaconed according to the provisions of Regulation 14, or, if held by lease, according to the provisions of Regulation 37 (6).

(2) Any such certificate of abandonment shall, as far as material, be in the Form No. XIV in the First Schedule, and all the particulars required by such form shall be filled in.

CANCELLATION OF CERTIFICATE OF REGISTRATION WITHOUT ABANDONMENT.

45. (1) The Commissioner, upon application by the holder of any registered mining location, and on the production of the certificate of its registration, may, at his discretion, cancel such certificate and such registration of such location without abandonment or forfeiture of such location, and cause to be issued to such holder at one and the same time a fresh certificate of registration of any portion of such location which shall have been previously beaconed off within such location in the manner prescribed in these regulations, assigning to it a fresh official number.

(2) Within a period of seven days from the date of issue of such certificate of registration, or within such period as the Commissioner may prescribe, all the beacons of the original location not used for the beaconing of the said portion shall be removed by the holder of such location, and on the beacons of the said portion the official number originally assigned to such location shall be replaced by the new official number assigned to such portion.

LIST OF ABANDONED AND FORFEITED LOCATIONS TO BE POSTED.

46. Lists of registered mining locations which have been abandoned or forfeited shall from time to time be posted on a board to be exhibited in some conspicuous way outside the office of the District Officer.

MINING LOCATION MAY BE WORKED FOR PROFIT AFTER NOTICE GIVEN.

47. The holder of any mining location may work the same for profit after giving notice to the Commissioner of his intention so to do. Should he work such location for profit without giving such notice, he shall be liable to a fine of £10 for every day during which he so works.

CLAIM LICENCES—WHEN PAYABLE.

48. When notice has been given of the intention to work any mining location or portion thereof for profit, claim licences in respect of the said location, lease or portion shall be payable as from the first day of the month in which working for profit commences, and shall continue to be paid for each and every period of six months succeeding that date during which the location, lease or portion remains current, provided that the Commissioner may permit—

(1) the trial crushing or treatment for profit of ore extracted from the location for a period not exceeding three months on the basis that the special trial crushing or treatment shall not be deemed to be the commencement of working for profit for the purposes of this regulation;

(2) Non-precious metals: Sh. 50 per non-precious metal ment which he shall consider to be of a purely temporary nature, when claim licences shall only be payable on the location, lease or portion during the continuance of the said temporary working for profit.

CLAIM LICENCES—RATES OF PAYMENT.

49. Claim licences shall be payable at the undermentioned rates in respect of reef deposits:—

(1) Precious metals: Sh. 10 per claim per month for each claim comprised in any location from which ore has been extracted.

(2) Non-precious metals: Sh. 50 per non-precious metal location per month.

When the total monthly output from any mining location being worked for profit under the provisions of these regulations does not exceed £100 in value, claim licences shall be payable at one-half the rates mentioned in the last preceding section.

for certificate of abandonment thereof, or of any portion thereof, he may apply in writing to the Commissioner for, and, upon satisfying the Commissioner by affidavit that he is so entitled, may obtain a certificate of abandonment as from the date of such affidavit and such certificate shall be deemed to constitute valid and sufficient proof of such abandonment. In the event of abandonment of a portion only of any location, the remainder thereof shall be re-beaconed according to the provisions of Regulation 14, or, if held by lease, according to the provisions of Regulation 37 (6).

(2) Any such certificate of abandonment shall, as far as material, be in the Form No. XIV in the First Schedule, and all the particulars required by such form shall be filled in.

CANCELLATION OF CERTIFICATE OF REGISTRATION
WITHOUT ABANDONMENT.

45. (1) The Commissioner, upon application by the holder of any registered mining location, and on the production of the certificate of its registration, may, at his discretion, cancel such certificate and such registration of such location without abandonment or forfeiture of such location, and cause to be issued to such holder at one and the same time a fresh certificate of registration of any portion of such location which shall have been previously beaconed off within such location in the manner prescribed in these regulations, assigning to it a fresh official number.

(2) Within a period of seven days from the date of issue of such certificate of registration, or within such period as the Commissioner may prescribe, all the beacons of the original location not used for the beaconing of the said portion shall be removed by the holder of such location, and on the beacons of the said portion the official number originally assigned to such location shall be replaced by the new official number assigned to such portion.

LIST OF ABANDONED AND FORFEITED LOCATIONS TO BE
POSTED.

46. Lists of registered mining locations which have been abandoned or forfeited shall from time to time be posted on a board to be exhibited in some conspicuous way outside the office of the District Officer.

MINING LOCATION MAY BE WORKED FOR PROFIT
AFTER NOTICE GIVEN.

47. The holder of any mining location may work the same for profit after giving notice to the Commissioner of his intention so to do. Should he work such location for profit without giving such notice, he shall be liable to a fine of £10 for every day during which he so works.

CLAIM LICENCES—WHEN PAYABLE.

48. When notice has been given of the intention to work any mining location or portion thereof for profit, claim licences in respect of the said location, lease or portion shall be payable as from the first day of the month in which working for profit commences, and shall continue to be paid for each and every period of six months succeeding that date during which the location, lease or portion remains current, provided that the Commissioner may permit—

- (1) the trial crushing or treatment for profit of ore extracted from the location for a period not exceeding three months on the basis that the special trial crushing or treatment shall not be deemed to be the commencement of working for profit for the purposes of this regulation;
- (2) Non-precious metals: Sh. 50 per non-precious metal ment which he shall consider to be of a purely temporary nature, when claim licences shall only be payable on the location, lease or portion during the continuance of the said temporary working for profit.

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When the total monthly output from any mining location being worked for profit under the provisions of these regulations does not exceed £100 in value, claim licences shall be payable at one-half the rates mentioned in the last preceding section.

50. Every lessee and every holder of an exclusive prospecting licence or location, when not resident in the Colony, or when the lessee or holder is a syndicate or company with its head office elsewhere than in the Colony, shall appoint and at all times have an attorney resident in the Colony with full powers to represent the lessee or holder in all matters relating to his lease, location or licence, and shall, as soon as possible after making such appointment, send to the Commissioner a copy of the power of attorney, and of any document by which any such power of attorney is altered or revoked.

HOLDERS OF LOCATIONS, ETC., MAY BE REQUIRED TO

FURNISH RETURNS AND REPORTS.

51. (1) Every lessee and every holder of a mining location or of an exclusive prospecting licence, or his representative, shall furnish—

- (i) the Inspector of Mines with the following returns and reports of his operations:—

On or before the 7th day of each month completed returns covering the operations of the previous month in the Forms Nos. XVII, XVIII and XIX set out in the First Schedule.

- (ii) the Commissioner, in January and July, with a written statement setting forth:—
- (a) The name of the lessee or holder.
 - (b) The date and number of the lease, location, or licence.
 - (c) Any change which may have been made in the appointment of the attorney, and, in the case of a company, in the officers of the company, during the preceding six months.
 - (d) Any change of address of the lessee or holder, attorney or officers.
 - (e) The nature of the operations being conducted on the area of the lease, location or licence.
 - (f) The average number of non-natives and natives employed on the area in mining or prospecting during the preceding six months.
 - (g) The amount paid in wages to persons actually engaged in mining or prospecting operations on the area of the lease, location or licence, or in supervising such operations during the preceding six months, and the amount of wages paid to non-natives on leave.

- (h) The nature and value of any machinery or plant brought on to or removed from the area since the previous return.
 - (i) The kind and quality of minerals obtained during the preceding six months and the manner in which they have been disposed of.
 - (j) The particulars of any death or accidents which may have occurred amongst the employees during the preceding six months.
 - (k) Any further particulars that the Commissioner may call for.
- (2) As soon as circumstances permit after the 31st day of December in each year, a written statement to the Commissioner showing the working costs of the mining or prospecting operations on the area of lease, location or licence during the preceding year, shall be sent in manner provided in paragraph (1) (ii) of this regulation.
- (3) The statements required by this regulation shall be signed and certified to be correct—
- (a) in the case of an individual lessee or holder resident in the Colony, by the lessee or holder;
 - (b) in the case of an individual lessee or holder not so resident, or in the case of a syndicate or company having its head office out of the Colony, by the resident attorney of the lessee or holder, syndicate or company;
 - (c) in the case of a syndicate or company having its head office in the Colony, by the manager or secretary of the syndicate or company.

52. A lessee and the holder of any location or licence granted under the Ordinance or any regulation thereunder shall produce his title whenever demanded by any European officer of the Mines, Survey or Police Departments, or by any administrative officer.

53. No affidavit or declaration required under these regulations shall be liable to stamp duty.

REGISTRATION.

54. (1) The Governor may appoint a Registrar of Mines who shall keep a register of mining leases and exclusive prospecting licences and of documents assigning or transferring the same or any right, title or interest thereunder.

50. Every lessee and every holder of an exclusive prospecting licence or location, when not resident in the Colony, or when the lessee or holder is a syndicate or company with its head office elsewhere than in the Colony, shall appoint and at all times have an attorney resident in the Colony with full powers to represent the lessee or holder in all matters relating to his lease, location or licence, and shall, as soon as possible after making such appointment, send to the Commissioner a copy of the power of attorney, and of any document by which any such power of attorney is altered or revoked.

HOLDERS OF LOCATIONS, ETC., MAY BE REQUIRED TO FURNISH RETURNS AND REPORTS

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(ii) the Commissioner, in January and July, with a written statement setting forth:—

- (a) The name of the lessee or holder.
- (b) The date and number of the lease, location, or licence.
- (c) Any change which may have been made in the appointment of the attorney, and, in the case of a company, in the officers of the company, during the preceding six months.
- (d) Any change of address of the lessee, holder, attorney or officers.
- (e) The nature of the operations being conducted on the area of the lease, location or licence.
- (f) The average number of non-natives and natives employed on the area in mining or prospecting during the preceding six months.
- (g) The amount paid in wages to persons actually engaged in mining or prospecting operations on the area of the lease, location or licence, or in supervising such operations during the preceding six months, and the amount of wages paid to non-natives on leave.

- (h) The nature and value of any machinery or plant brought on to or removed from the area since the previous return.
- (i) The kind and quality of minerals obtained during the preceding six months and the manner in which they have been disposed of.
- (j) The particulars of any death or accidents which may have occurred amongst the employees during the preceding six months.
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- (a) in the case of an individual lessee or holder resident in the Colony, by the lessee or holder.
- (b) in the case of an individual lessee or holder not so resident, or in the case of a syndicate or company having its head office out of the Colony, by the resident attorney of the lessee or holder, syndicate or company.
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53. No affidavit or declaration required under these regulations shall be liable to stamp duty.

REGISTRATION.

54. (1) The Governor may appoint a Registrar of Mines who shall keep a register of mining leases and exclusive prospecting licences and of documents assigning or transferring the same or any right, title or interest thereunder.

(2) The Registrar shall file in the register a copy of every lease or exclusive prospecting licence.

(3) A register of claims and locations shall be kept in the office of the District Officer or Inspector of Mines, and a return of the duplicate certificates of registration shall be sent monthly to the Registrar of Mines.

(4) Any person applying for the registration of any document assigning or transferring or surrendering or any other dealing with or affecting any mining lease, claim, location or exclusive prospecting licence, or any right or interests under the same, shall send the original document, together with a copy thereof and of any plan attached to the document together with the prescribed fee, to the Registrar, with a request that the same shall be registered. The Registrar, having first satisfied himself that the copy of the original document and of the plan (if any) is correct, and that the requisite approval of the assignment or transfer or surrender has been obtained, and that the document if liable to stamp duty has been duly stamped, shall endorse on the document over his signature the word "Registered," together with the date on which the document was presented for registration, and shall return the document so endorsed to the person who shall have presented the same for registration, and shall file the copy in the Register.

(5) The Registrar or District Officer or Inspector of Mines shall, upon request and payment of the prescribed fees, allow searches in a register at all reasonable times, and shall give copies of or extracts from any entry in the register or of any document or certificate issued under this Ordinance.

PENALTIES.

55. Any person who commits any breach of any of the provisions of these regulations for which breach a penalty is not expressly provided shall be liable to a fine of £100, or to imprisonment for six months, or to both.

56. The Mining Regulations, 1932, are hereby revoked

By Command of the Governor's Deputy in Council

Nairobi.

This 25th day of August, 1932.

JUXON BARTON,

Clerk to the Executive Council

FIRST SCHEDULE.

LIST OF FORMS.

- I. Prospecting Right.
- II. Discovery Notice.
- III. Registration Notice.
- IV. Certificate of Registration.
- V. Registration Notice (Alluvial Claims).
- VI. Certificate of Registration (Alluvial Claims).
- VII. Certificate of Registration (Coal Location).
- VIII. Application for an Exclusive Prospecting Licence.
- IX. Exclusive Prospecting Licence.
- X. Transfer of Location.
- XI. Transfer of Share Location.
- XII. Application for Mining Lease.
- XIII. Mining Lease.
- XIV. Certificate of Abandonment of Location (or part thereof).
- XV. Surrender of Mining Lease.
- XVI. Assignment of Mining Lease.
- XVII. Monthly Returns A.
- XVIII. Monthly Returns B.
- XIX. Monthly Returns C.
- XX. Memorandum of Complaint.
- XXI. Notice of Complaint to Defendant.
- XXII. Export Permit.

(2) The Registrar shall file in the register a copy of every lease or exclusive prospecting licence.

(3) A register of claims and locations shall be kept in the office of the District Officer or Inspector of Mines, and a return of the duplicate certificates of registration shall be sent monthly to the Registrar of Mines.

(4) Any person applying for the registration of any document assigning or transferring or surrendering or any other dealing with or affecting any mining lease, claim, location or exclusive prospecting licence, or any right or interests under the same, shall send the original document, together with a copy thereof and of any plan attached to the document together with the prescribed fee, to the Registrar, with a request that the same shall be registered. The Registrar, having first satisfied himself that the copy of the original document and of the plan (if any) is correct, and that the requisite approval of the assignment or transfer or surrender has been obtained, and that the document if liable to stamp duty has been duly stamped, shall endorse on the document over his signature the word "Registered," together with the date on which the document was presented for registration, and shall return the document so endorsed to the person who shall have presented the same for registration, and shall file the copy in the Register.

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- XX. Memorandum of Complaint.
- XXI. Notice of Complaint to Defendant.
- XXII. Export Permit.

SCHEDULE I.

FORM I (REGULATION 7).

THE MINING ORDINANCE, 1931.

PROSPECTING RIGHT.

No.

The right, subject to the provisions of the Mining Ordinance, 1931, and of the regulations thereunder now in force or which may come into force during the continuance of this right, or any renewal thereof is hereby granted to.....

- (1)
- (2)

for one year from the date hereof to prospect for minerals.

This day of 19.....

.....
for Commissioner of Mines.

FEE: SH. 20.

- (1) Here insert name, address and description of the prospector.
- (2) If the prospector is to use this right as employee on behalf of a company, partnership or individual, state name, address and description of employer here.

FORM II (REGULATION 8).

THE MINING ORDINANCE, 1931.

DISCOVERY NOTICE.

(Block of Reef Claims).

Notice is hereby given that the undersigned, being lawfully entitled to act under Prospecting Right No..... issued at the office of at..... and having discovered (see Note 1)..... and having established a discovery point by a peg marked D.P. situated (see Note 2)..... hereby claims for a period of days from the undermentioned date of posting this notice the exclusive right of prospecting on all ground open to prospecting within an area described by—

- (1) a radius of 400 yards (see Note 3),
- (2) a radius of 1,200 yards

from the above-mentioned discovery peg.

Date and hour of posting notice.....

Signature of Locator (see Note 4).....

Signature or mark and name of witness to posting this notice (see Note 5).....

NOTE 1.—Here insert the nature of the mineral.

NOTE 2.—Here describe the position of the discovery peg with reference to the position of the discovery notice, by such words as "at the foot of this notice" or "..... feet north-east of this notice," etc., so that the position of the discovery peg can be readily identified.

NOTE 3.—Delete the section not applicable (see Regulation 9 (a).)

NOTE 4.—The signature must be that of the actual locator. If the locator is acting under a right issued to another person or to a company, he must have proper authority for so doing, and must sign as the agent or attorney for such person, or company, and produce his power or authority.

NOTE 5.—The signature of a witness is not obligatory, but it is highly desirable, as such evidence may be required in case of a dispute.

SCHEDULE I.

FORM I (REGULATION 7).

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PROSPECTING RIGHT.

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