

Content

Title :	Mining Safety Act Ch
Date :	1973.12.22
Legislative :	<p>1.Promulgated by Presidential Decree on Dec 22, 1973</p> <p>2.Law was amended by Presidential Decree on Nov 24, 1986 (Amended content includes Articles 10 through 12, Article 9, Article 35, Articles 40 through 43 and Article 45)</p> <p>3.Second amendment instituted by Presidential Decree No. 8900275040 on Nov 15, 2000 (Amended content includes Article 13, Article 18, Article 19, Article 21, Article 23, Article 28, Article 31, Articles 33 through 39, Article 43 and Article 46)</p>
Content :	<p>Chapter I General Provisions</p> <p>Article 1</p> <p>This Act was instituted in order to prevent mining disasters and to maintain mining safety. Items not outlined in this Act are subject to other related laws.</p> <p>Article 2</p> <p>The term mine referred to in this Act refers to exploration and mining activities as well as auxiliary mineral processing and smelting facilities.</p> <p>Article 3</p> <p>The term Mineral Right Holder referred to in this Act is the natural or juridical person who holds the rights to carry out exploration or mining operations. The Mineral Right Holder may receive legal approval to use methods of commission, lease or cooperation to transfer these rights to another operator. In this case the responsibilities of the Mine Right Holder defined by this Act will apply to this operator.</p> <p>Article 4</p> <p>The term Mine Head referred to in this Act is the person who is in charge of overall mining operations.</p> <p>Article 5</p> <p>The term Mine Safety Manager referred to in this Act refers to the technician in charge of carrying out safety management operations.</p> <p>Article 6</p> <p>The term Mine Safety Head referred to in this Act is the person designated by the Mine Head to be in charge of mine safety operations.</p> <p>Article 7</p> <p>The term Mine Operations Personnel referred to in this Act is the work personnel involved in the operations mentioned in Article 2.</p> <p>Article 8</p>

The term Mine Safety Supervisor referred to in this Act is the supervisor assigned by the Governing Agency to perform mine safety inspection, management and investigation.

Article 9

The Governing Agency as referred to in this Act is the Ministry of Economic Affairs (MOEA). When necessary county (city) governments can be entrusted to carry out the matters outlined in this Act.

Chapter II Safety Facilities

Article 10

The Mineral Right Holder is responsible for providing safety equipment, funding and personnel so that the following safety measures can be carried out according to the regulations of this Act:

1. The prevention of dangerous landslide of bedrock, ore body or waste rock material.
2. The removal of all types of dangerous harmful gases, mine dust and rock dust within operational facilities.
3. The prevention of flammable gas or coal dust explosions.
4. The prevention of gas, ore or rock burst disasters.
5. The prevention of mineral deposit spontaneous combustion or mine pit fires.
6. The prevention of flooding in the mine pit.
7. The prevention of possible dangers due to the use of electrical, transportation or power equipment.
8. The prevention of possible dangers due to the storage, transport or use of explosives.
9. The establishment of medical, sanitation and rescue teams, as well as the prevention of occupational illnesses.
10. The prevention of the irresponsible or abusive mining of resources and the disposing of waste materials without permission.
11. The maintenance of mine equipment and building facilities.
12. The providing of safety protective gear for the mine operations personnel.
13. Other safety measures designated by the Competent Authorities.

The design, management and maintenance of the safety matters mentioned above are the responsibility of the Mine Head.

Article 11

The Mineral Right Holder should appoint the Mine Head and submit their decision to the Governing Agency for approval. The same process should be followed when changes are made to the position. When the Mine Head is not able to perform his/her duties, the Mine Ownership Holder should immediately

appoint a temporary replacement and submit their decision to the Governing Agency for approval. The Governing Agency may order the Mineral Right Holder to replace the Mine Head if he/she violates mine safety laws.

The qualifications of a Mine Head are determined by the Governing Agency.

Article 12

The Mineral Right Holder should employ different types of Mine Safety Managers to be responsible for

carrying out mine safety procedures and submit their appointment decisions to the Governing Agency for approval. The same process is to be followed when there is a change of Mine Safety Manager personnel. When a Mine Safety Manager is unable to perform his/her duty, the Mine Head should appoint a qualified person for temporary replacement.

The Governing Agency can order the Mineral Right Holder to replace a Mine Safety Manager if he or she violates mine safety laws.

The qualifications and regulations for the appointment and dismissal of Mine Safety Managers are determined by the Governing Agency.

Article 13

The Mineral Right Holder should formulate a mining safety plan when wishing to carry out underground mining operations in regions near oceans, rivers or lakes as well as areas in the vicinity of old mined area. The plan should be completed with detailed maps and should be submitted to and approved by the Governing Agency before mining activities are started. The same process is to be followed when there are changes made to mining operations. When necessary the Governing Agency may order the safety plan mentioned above to be altered.

Article 14

The Mineral Rights Holder should see that their personnel are knowledgeable in matters of safe operations methods, disaster prevention and disaster rescue by holding on job training for current employees and as well new employees before they start working. The Mine Head must not order new personnel who have not undergone the training mentioned above to start work at the mine.

Article 15

To ensure that there is a complete ventilation system in place and that operations personnel can safely enter and exit the mine, the Mineral Right Holder should see to it that at least one downcast shaft and one upcast shaft with proper cross section are installed between the mine pit and the ground surface. The downcast and upcast shaft should have proper air duct connections.

Article 16

The Mineral Rights Holder should see to it that there are proper equipment installed to adjust the ventilation, temperature and humidity levels within the mine, as well as proper inspection and control mechanisms to control this equipment.

Article 17

The Mineral Rights Holder should ensure that there are sufficient levels of materials and equipment in storage so that the mine pit can be properly maintained and that any situations may arise can be dealt with quickly and effectively.

Article 18

The Mineral Rights Holder must receive permission from the Governing Agency before abandoning a mine pit and should take every necessary safety precaution when doing so.

Article 19

In order to manage the safety matters of the mine, the Mine Head should form a mine safety unit, establish a safety inspection system and submit this system to the Governing Authority for approval.

Article 20

The Mine Head should see that potentially dangerous machinery, equipment and explosives are tested and found to meet safety standards and that they are installed and used according to relevant regulations.

Article 21

The Mine Head should formulate mine safety regulations according to the actual needs of the mine and announce these rules after they have been submitted to and approved by the Governing Agency.

Article 22

The Mine Head should oversee the making of a mine safety map, mine safety log, other important mine safety charts and an operations personnel list.

Article 23

The Mine Safety Head is appointed by the Mine Head to be in charge of the mine safety unit, supervise all of the different Mine Safety Managers and to carry out all of the mine safety related procedures and administrative matters.
The occupational duties of the different Mine Safety Managers should be determined by the Mine Head and submitted to the Governing Agency for approval. The same procedure should be followed when there are changes to their occupational responsibilities.

Article 24

Mine operations personnel should follow all of the related regulations of the mine safety laws.

Article 25

Mine operations personnel should carry with them necessary safety protective gear when performing operations.

Article 26

The previous two regulations also apply to other individuals who enter the mine such as civil servants, temporary workers, tourists, interns or visitors, etc.

Chapter III Disaster Rescue

Article 27

The Mineral Rights Holder should make sure that telecom and alarm systems are installed inside and outside of the mine pit, and that safety warning and emergency exit signs are posted at key locations.

Article 28

During a mine disaster the Mineral Right Holder should see to it that rescue operations are started immediately. Rescue operations can only be abandoned when the representative dispatched by the Competent Authorities gives the approval after determining that the rescue efforts are futile or that they are putting the rescue personnel in danger.

Article 29

The Mine Head should ensure that the medical and sanitation equipment and policies are kept in good operational condition.

Article 30

The Mine Head should ensure that first-aid rescue teams and rescue equipment remain in good response condition and should also see to it that inspections and drills are held regularly.

Article 31

When a disaster occurs or there is concern that a disaster may occur, the Mine Head and Mine Safety Managers should immediately take necessary emergency response or rescue measures as well as quickly

notify the Governing Agency.

Article 32

When it is necessary for the performance of emergency response operations, the Mine Head may order the mine operations personnel to temporarily use land not owned by the mine. The Mineral Rights Holder should give fair compensation to land owners whose land or rights are violated as a result of the regulation above.

Article 33

The Governing Authority should establish a rescue station in areas where several mines are located and regularly assist the mines in performing mine rescue team training.

Chapter IV Supervision

Article 34

The Governing Agency should regularly dispatch representatives to the different mining districts to inspect mining safety facilities. If a mine with inadequate facilities is found, the representative should advise them to remedy the situation within a limited time. When a safety concern is found the representative may order the mine to immediately cease operations. For mines with unique safety problems the Governing Authority should increase their inspection and supervision efforts as well as order the Mine Head to take necessary measures.

Article 35

When the Governing Authority feels that mining operations or an occurrence of disaster at a certain mine threaten the mining recourses, mining operations personnel or rescue personnel they can order the Mineral Rights Holder to cease part or all of mining operations. If the Mineral Rights Holder is unable to improve or get control of the situation, the Governing Agency can order part of the mine or the entire mine to be closed off. When necessary the Governing Authority may revoke their mineral rights.

Article 36

The Mine Safety Supervisor appointed by the Governing Agency should regularly perform mine safety inspections. When they discover danger or imminent danger within the mine they should immediately order the Mineral Rights Holder, Mine Head or Mine Safety Manager to take the necessary contingency or preventative measures.

Article 37

After being notified of a mine disaster occurrence, if they deem necessary the Governing Agency should dispatch a Mine Safety Supervisor to go to the disaster scene to oversee the rescue efforts, give guidance on the rebuilding efforts and investigate responsibility of disaster.

Article 38

The Governing Agency should establish a Mine Consultation Committee to research and discuss the mine safety matters assigned by the Governing Agency and make mine safety related recommendations. Regulations for the establishment of above committee are determined by the Governing Agency.

Article 39

The qualifications and regulations for the appointment and dismissal of the Mine Safety Supervisor are to be decided by the Governing Agency.

Chapter 5 Penalties

Article 40

Individuals who are found guilty of one of the following situations will be sentenced to up to 5 years of imprisonment or detention, or receive a fine or accumulative fine of up to NT\$ 50,000:

1. Violate Article 15, Article 28 or Subparagraph 1 of Article 13
2. Cause a disaster by failing to heed the order to cease operations given by the Competent Authorities according to Article 35 or Subparagraph 1 of Article 34.
3. Cause a disaster by failing to heed the order given by the Governing Agency according to Subparagraph 2 of Article 13.

Article 41

Individuals who are found guilty of one of the following situations will be sentenced to up to 3 years of imprisonment or detention, or receive a fine or accumulative fine of up to NT\$ 30,000:

1. Violating Article 16, Article 18, Article 24, Subparagraph 1 of Article 11 or Subparagraph 1 of Article 12.
2. Failing to heed the order to cease operations given by the Governing Agency according to Subparagraph 1 of Article 34 or the order given according to Article 35.

Article 42

Individuals who are found guilty of one of the following situations will be sentenced to up to 1 years of imprisonment or detention, or receive a fine or accumulative fine of up to NT\$ 10,000:

1. Violating Article 10 by failing to follow the Governing Agency's rules for carrying out safety measures.
2. Violating Article 17, Article 20, Article 22, Article 27, Article 31, Subparagraph 2 of Article 11 or Subparagraph 2 of Article 12.
3. Failing to heed the order given by the Governing Agency according to Subparagraph 3 Article 11, Subparagraph 3 of Article 12, Subparagraph 2 of Article 13 or Subparagraph 2 of Article 34.
4. Mineral Rights Holder, Mine Heads or mine operations personnel who report false information to the Governing Agency or the appointed Mine Safety Supervisor.
5. Mineral Rights Holder, Mine Heads or mine operations personnel who refuse to comply with, inhibit or avoid the inspections carried out by the Mine Safety Supervisors according to Article 34 or the assignment of responsibility according to Article 37.

Article 43

The Governing Agency may fine those who violate Article 14, Article 19, Article 25, Article 29, article 30 or Subparagraph 2 of Article 23 an amount between NT\$5,000 and NT\$20,000.

Article 44

The fine outlined in the above article may be sent to the court to be executed by force.

Article 45

If the Mineral Rights Holder is a legal entity and not an individual, and their representative, acting agent, Mine Head, Mine Safety Manager or mine operations personnel violates Article 40 or 42, not only is the violating individual punished according to the rules of those articles but the legal entity is also fined according to the rules of those articles.

Chapter V Addendum

Article 46

The Detailed Regulations of the Mining Safety Act are determined by the Governing Agency.

Article 47

This Act will go into effect on the day it is announced.

Data Source : Ministry of Economic Affairs R.O.C.(Taiwan) Laws and Regulations Retrieving System