

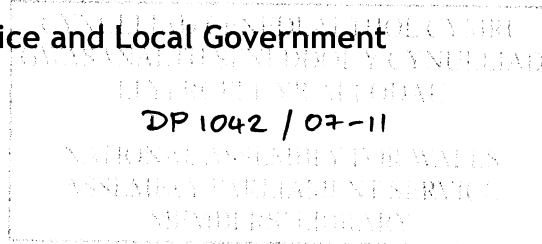
Brian Gibbons AC/AM

**Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth
Leol**

Minister for Social Justice and Local Government



Llywodraeth Cynulliad Cymru
Welsh Assembly Government



Eich cyf/Your ref AD/GC
Ein cyf/Our ref BG/5444/07

Andrew RT Davies AM
National Assembly For Wales
Cardiff Bay
Cardiff
CF99 1NA

December 2007

The Mines Rescue Service Limited ('MRS')

In reply to the issues you raised in Plenary on the 20th November 2007 (OAQ (3) 0470) the First Minister agreed to confirm whether the Secretary of State functions relating to mines rescue service was devolved. You will now also have received my letter dated 27th November responding to your letter dated 20th November 2007.

The MRS is a private company limited by guarantee and is regulated by the Health and Safety Executive. It has six stations across the UK with a station in Wales at Dinas.

The functions of the Secretary of State relating to health and safety in mines and the mines rescue services are not devolved to the Welsh Ministers.

Yours sincerely

Brian Gibbons AM/AC

To: 1. Joanna Jordan, Head of
Community Safety division
2. Minister for Social Justice and
Local Government

From: Gordon Evans
Fire and rescue service Branch
Ext 01685 729223
Fax 01685 729547

Date: 30th November 2007

CC: PS Minister for Social Justice
and Local Government
PS First Minister
Permanent Secretary
Derek Jones
Wyn Price
Kingsley Rees

Follow-up draft letter to Mr Andrew R T Davies AM and briefing responding to OAQ (3) 0470 (FM) - Mines Rescue Service Limited('MRS'), Dinas, Rhondda.

Issue

1. Mr Davies raised the issue at a Plenary debate on 20 November and wrote to the Minister seeking his views on the provision of financial support for the MRS in Dinas, Porth. The First Minister agreed in Plenary to confirm whether responsibility for the MRS is devolved.

Timing

2. Routine.

Recommendation

3. That you write a follow-up letter to Mr Davies in the terms of the attached draft.

Background

4. You wrote to Mr Davies on 27 November in response to his letter dated 20 November 2007 (**Doc 1**).

5. Mr Davies also raised the same issues in the Plenary debate on 20 November 2007, (**3) 0470 (FM) (Doc 2)**, to which the First Minister made a response, raising a further issue of whether the function of the Mines Rescue Service is devolved as part of the Fire and Rescue Service and Wales Ambulance Service or not devolved, falling within the remit of the Health and Safety Executive.

Advice

6. The Escape and Rescue from Mines Regulations 1995 ('the Regulations') provide that certain types of mines (including a coal mine), but excluding a tourist mine, cannot be worked unless the owner has made effective arrangements for the rescue of persons from the mine and for the carrying out of work necessary to secure health and safety of persons below ground in the mine in an emergency situation.

7. The Regulations also include an obligation on an owner of a coal mine to make effective arrangements to ensure that two 'rescue teams' are available to attend the mine should an emergency arise requiring the use of breathing apparatus below ground. Those

being notified of such an emergency. The owner of the mine should also make effective arrangements to ensure that the rescue team members are available to provide 24 hours coverage. To that end, coal mine operators must participate in a Secretary of State approved mines rescue scheme. That approval function has not been transferred to the Welsh Ministers.

8. MRS administers the 'scheme' approved by the Secretary of State in which a mine owner must participate.

9. The Regulations were made under the Health and Safety at Work etc Act 1974. The functions of the Secretary of State under this Act have not been transferred to the Welsh Ministers. This means that the Welsh Ministers cannot amend the Regulations which currently govern the requirements for health and safety at mines. This area is therefore not devolved and remains the responsibility of central government.

10. There is no obligation on the Welsh Ministers to fund MRS as it is not devolved. It is a private limited company. Companies House confirms that it is a registered company and provides the following details;

MINES RESCUE SERVICE LIMITED
THE MANSFIELD MINES RESCUE
STATION LEEMING LANE SOUTH
MANSFIELD WOODHOUSE
NOTTINGHAMSHIRE NG19 9AQ
Company No. 03147253

11. Further briefing will be provided for the Minister's visit to the MRS' Rescue Station at Dinas, Porth on 18 December 2007.