Chapter 1 General Provisions

Article 1 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.

Article 2 The term mine referred to in this Act refers to exploration and mining activities as well as auxiliary mineral processing and smelting facilities.

Article 3 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.

Article 4 The term Mine Head referred to in this Act is the person who is in charge of overall mining operations.

Article 5 The term Mine Safety Manager referred to in this Act refers to the technician in charge of carrying out safety management operations.

Article 6 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.

Article 7 The term Mine Operations Personnel referred to in this Act is the work personnel involved in the operations mentioned in Article 2.

Article 8 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 2 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 3 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 4 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 6 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.