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【 Title 】 [Law of the People's Republic of China on Safety in Mines \(2009 Amendment\)](#) [[Effective](#)]

【法规标题】 [中华人民共和国矿山安全法\(2009修正\)](#) [[现行有效](#)]

【法宝引证码】 CLI.1.161153(EN)

Date Issued: 08-27-2009

Effective date: 05-01-1993

Issuing authority: Standing Committee of the National People's Congress

Area of law: Geology and Mining Industry

发布日期: 2009-08-27

生效日期: 1993-05-01

发布部门: 全国人大常委会

类别: 地质矿产

Law of the People's Republic of China on Safety in Mines

(Adopted at 28th meeting of the Standing Committee of the 7th National People's Congress on November 7, 1992, and amended in accordance with the Decision on Amending Some Laws adopted at the 10th meeting of the Standing Committee of the 11th National People's Congress on August 27, 2009)

中华人民共和国矿山安全法
(1992年11月7日第七届全国人民代表大会常务委员会第二十八次会议通过 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》修正)

Chapter I General Provisions

第一章 总则

Article 1 This Law is formulated for the purpose of ensuring safety in production in mines, preventing accidents and protecting personal safety of workers and staff at mines and promoting the development of mining industry.

第一条 为了保障矿山生产安全,防止矿山事故,保护矿山职工人身安全,促进采矿业的发展,制定本法。

Article 2 All activities relating to exploitation of mineral resources conducted within the boundaries of the People's Republic of China, as well as in other sea areas under its jurisdiction must comply with this Law.

第二条 在中华人民共和国领域和中华人民共和国管辖的其他海域从事矿产资源开采活动,必须遵守本法。

Article 3 Mining enterprises must possess facilities that ensure safety in production, establish and perfect the system of safety management, take effective measures to improve the working conditions for workers and staff and strengthen the work of safety control in mines in order to ensure safe production.

第三条 矿山企业必须具有保障安全生产的设施,建立、健全安全管理制度,采取有效措施改善职工劳动条件,加强矿山安全管理工作,保证安全生产。

Article 4 The competent department of labour administration under the State Council shall exercise unified supervision over the work of safety control throughout the country.

第四条 国务院劳动行政主管部门对全国矿山安全工作实施统一监督。

The competent departments of labour administration of the local people's governments at or above the county level shall exercise unified supervision over the work of safety control in mines within their respective administrative regions.

县级以上地方各级人民政府劳动行政主管部门对本行政区域内的矿山安全工作实施统一监督。

县级以上人民政府管理矿山企业的主管部门对矿山安全工作进行管理。

The authorities in charge of mining enterprises under the people's governments at or above the county level shall administer safety work in mines.

Article 5 The State shall encourage research in science and technology relating to safety in mines, popularize advanced technology, improve safety facilities and enhance the level of safe production in mines.

第五条 国家鼓励矿山安全科学技术研究,推广先进技术,改进安全设施,提高矿山安全生产水平。

Article 6 Units and individuals that have made outstanding achievements in persistent safe production in mines, prevention of accidents, participation in rescue work at mines and scientific and technological research relating to safety in mines shall be awarded.

第六条 对坚持矿山安全生产,防止矿山事故,参加矿山抢险救护,进行矿山安全科学技术研究等方面取得显著成绩的单位和个人,给予奖励。

Chapter II Guarantees for Safety in Mine Construction

第二章 矿山建设的安全保障

Article 7 Safety facilities in mine construction projects must be designed, constructed and put into operation and use at the same time with the principal parts of the projects.

第七条 矿山建设工程的安全设施必须和主体工程同时设计、同时施工、同时投入生产和使用。

Article 8 The design papers for mine construction projects must comply with the safety rules and technological standards for mining industry and shall, according to regulations of the State, be subject to the approval of the authorities in charge of mining enterprises; those failing to comply with the safety rules and technological standards for mining industry may not be approved.

The designs of safety facilities in mine construction projects must be examined with the participation of the competent department of labour administration.

The safety rules and technological standards for mining industry shall be formulated by the authorities in

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(1) ventilation system of the shaft, and quantity, quality and speed of underground air;

(2) slope angles of an opencast mine and the width and height of its steps;

(3) electricity supply system;

(4) hoisting and transportation systems;

(5) water control and drainage systems and fire control and fire-extinguishing systems;

(6) gas control system and dust control system;

(7) other items concerning safety in mines.

Article 10 Each underground mine must have at least two walkable safety outlets and the direct horizontal distance between such outlets must comply with the safety rules and technological standards for mining industry.

Article 11 Mines must have transportation and communication facilities that link the mines with the outside and meet safety requirements.

Article 12 Mine construction projects must be constructed in accordance with the design papers approved by the authorities in charge of mining enterprises.

Upon completion, the safety facilities in mine construction projects shall be subject to inspection for acceptance by the authorities in charge of mining enterprises, with participation of the competent department of labour administration; those failing to comply with the safety rules and technological standards for mining industry may not pass inspection for acceptance, and may not be put into operation.

Chapter III Guarantees for Safety in Exploitation of Mines

Article 13 For exploitation of mines, requirements that ensure safe production must be met, and the safety rules and technological standards for mining industry corresponding to the exploitation of different types of minerals must be observed.

Article 14 Mine pillars and rock pillars to be preserved as specified in the mining designs shall, within the prescribed period of time, be protected and may not be exploited or damaged.

Article 15 Equipments, apparatus, protective appliances and safety testing instruments used in mines with special safety requirements must comply with the national safety standards or safety standards of the mining industry; those failing to comply with the national safety standards or safety standards of the mining industry shall not be put into use.

Article 16 Mining enterprises must regularly carry out inspection, maintenance and repair of mechanical and electrical equipments and protective installations thereof, as well as safety testing instruments, so as to ensure safe operation.

Article 17 Mining enterprises must conduct testing of poisonous and harmful substances at the work sites and of the percentage of oxygen in underground air to ensure that they meet safety requirements.

Article 18 Mining enterprises must adopt preventive measures against the following hidden dangers of accidents that jeopardise safety:

得批准。

矿山建设工程安全设施的设计必须有劳动行政主管部门参加审查。

矿山安全规程和行业标准规范，由国务院管理矿山企业的主管部门制定。

第九条 矿山设计下列项目必须符合矿山安全规程和行业标准规范：

- (一)矿井的通风系统和供风量、风质、风速；
- (二)露天矿的边坡角和台阶的宽度、高度；
- (三)供电系统；
- (四)提升、运输系统；
- (五)防水、排水系统和防火、灭火系统；
- (六)防瓦斯系统和防尘系统；
- (七)有关矿山安全的其他项目。

第十条 每个矿井必须有两个以上能行人的安全出口，出口之间的直线水平距离必须符合矿山安全规程和行业标准规范。

第十一条 矿山必须有与外界相通的、符合安全要求的运输和通讯设施。

第十二条 矿山建设工程必须按照管理矿山企业的主管部门批准的设计文件施工。

矿山建设工程安全设施竣工后，由管理矿山企业的主管部门验收，并须有劳动行政主管部门参加；不符合矿山安全规程和行业标准规范的，不得验收，不得投入生产。

第三章 矿山开采的安全保障

第十三条 矿山开采必须具备保障安全生产的条件，执行开采不同矿种的矿山安全规程和行业标准规范。

第十四条 矿山设计规定保留的矿柱、岩柱，在规定的期限内，应当予以保护，不得开采或者毁坏。

第十五条 矿山使用的有特殊安全要求的设备、器材、防护用品和安全检测仪器，必须符合国家安全标准或者行业安全标准；不符合国家安全标准或者行业安全标准的，不得使用。

第十六条 矿山企业必须对机电设备及其防护装置、安全检测仪器，定期检查、维修，保证使用安全。

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(4) fire and water disaster on surface and underground;

(5) perils arising from demolition apparatus and demolition operations;

(6)perils caused by dust, poisonous and harmful gases, radioactive and other harmful substances; and

(7) other perils.

Article 19 Mining enterprises shall take preventive measures against perils that may arise by using mechanical and electrical equipment, soil tips, mine tips, dams and lagoons, as well as from disused mine pits.

Chapter IV Safety Management of Mining Enterprises

Article 20 Mining enterprises must establish and improve the safe production responsibility system. Managers of mines shall be responsible for the safe production in their respective enterprises.

Article 21 Managers of mines shall, on a regular basis, report their work on safe production to the corresponding congresses of workers and staff or assemblies of workers and staff, thus bringing into play the supervisory role of the congresses of workers and staff.

Article 22 Workers and staff of mining enterprises must observe the laws, regulations and enterprise rules concerning safety in mines.

Workers and staff of mining enterprises have the right to make criticisms, reports and charges against any conduct that endangers safety.

Article 23 Trade unions of mining enterprises shall safeguard, in accordance with the law, the lawful rights and interests of the workers and staff in relation to safe production, organize the workers and staff to carry out supervision over the safety work of the mines.

Article 24 If a mining enterprise violates any laws or regulations concerning safety, the trade union is entitled to demand that the management of the enterprise or the department concerned deal with the case seriously.

Meetings held by mining enterprises to discuss matters concerning safe production shall be attended by representatives from trade unions, and trade unions have the right to advance their opinions and proposals.

Article 25 Where the management of an enterprise gives a command contrary to the established rules and compels workers to operate under unsafe conditions, or, major hidden dangers of accidents and occupational hazards are found in the course of production, the trade union has the right to put forward proposals for a solution; where the life of the workers and staff is in danger, the trade union has the right to propose to the management that the workers and staff be evacuated from the dangerous site in an organized manner, and the management must make a decision without delay.

Article 26 Mining enterprises must give safety education and training to their workers and staff; those without receiving safety education and training may not take up a post of duty.

Special operators in charge of safe production in mining enterprises must receive special training; they may take up a post of such duty only after they have obtained a certificate of operation qualification after passing due examination and verification.

Article 27 Managers of mines must be proved, through examination, to have special knowledge of safety and the capability of leading safe production and disposing of accidents at mines.

第十七条 矿山企业必须对作业场所中的有毒有害物质和井下空气含氧量进行检测, 保证符合安全要求。

第十八条 矿山企业必须对下列危害安全的事故隐患采取预防措施:

- (一)冒顶、片帮、边坡滑落和地表塌陷;
- (二)瓦斯爆炸、煤尘爆炸;
- (三)冲击地压、瓦斯突出、井喷;
- (四)地面和井下的火灾、水害;
- (五)爆破器材和爆破作业发生的危害;
- (六)粉尘、有毒有害气体、放射性物质和其他有害物质引起的危害;
- (七)其他危害。

第十九条 矿山企业对使用机械、电气设备, 排土场、石山、尾矿库和矿山闭坑后可能引起的危害, 应当采取预防措施。

第四章 矿山企业的安全管理

第二十条 矿山企业必须建立、健全安全生产责任制。矿长对本企业的安全生产工作负责。

第二十一条 矿长应当定期向职工代表大会或者职工大会报告安全生产工作, 发挥职工代表大会的监督作用。

第二十二条 矿山企业职工必须遵守有关矿山安全的法律、法规和企业规章制度。

矿山企业职工有权对危害安全的行为, 提出批评、检举和控告。

第二十三条 矿山企业工会依法维护职工生产安全的合法权益, 组织职工对矿山安全工作进行监督。

第二十四条 矿山企业违反有关安全的法律、法规, 工会有权要求企业行政方面或者有关部门认真处理。

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for guaranteeing safe production.

Article 29 Mining enterprises may not recruit minors to engage in underground work.

Mining enterprises shall in accordance with regulations of the State practise special labour protection with respect to women workers and staff, and may not assign women workers any underground work.

Article 30 Mining enterprises must work out preventive measures against accidents at mines, and be responsible for their implementation.

Article 31 Mining enterprises shall establish rescue and first-aid groups composed of full-time or part-time personnel and equipped with necessary equipments, appliances and medicine.

Article 32 Mining enterprises must, in accordance with regulations of the State, draw special funds for safety technical measures from the amount of sales of their mineral products. The special funds for safety technical measures must be used exclusively to improve conditions of safe production in mines and may not be diverted to any other purposes.

Chapter V Supervision and Control over Safety in Mines

Article 33 Competent departments of labour administration of the people's governments at or above the county level shall exercise the following supervisory functions and responsibilities with respect to safety work in mines:

- (1) to inspect the implementation of laws and regulations on safety in mines by mining enterprises and the authorities in charge of mining enterprises;
- (2) to participate in the examination of designs of safety facilities in mine construction projects as well as the inspection for acceptance upon completion of such projects;
- (3) to inspect the working conditions and state of safety in mines;
- (4) to inspect the work of giving education and training in safety to workers and staff by mining enterprises;
- (5) to supervise the drawing and use of the special funds for safety technical measures by mining enterprises;
- (6) to participate in and supervise investigations and disposition of accidents at mines; and
- (7) other supervisory functions and responsibilities provided for in laws and administrative rules and regulations.

Article 34 The authorities in charge of mining enterprises under the people's governments at or above the county level shall exercise the following functions and responsibilities with respect to the control of safety work in mines:

- (1) to inspect the implementation of laws and regulations on safety in mines by mining enterprises;
- (2) to examine and approve designs of safety facilities in mine construction projects;
- (3) to be responsible for the inspection for acceptance upon completion of safety facilities in mine construction projects;
- (4) to organize the training of managers of mines and personnel in charge of safety work in mining enterprises; (5) to investigate and dispose of serious accidents at mines; and
- (6) other controlling functions and responsibilities provided for in laws and administrative rules and regulations.

挥、强令工人冒险作业或者生产过程中发现明显重大事故隐患和职业危害, 有权提出解决的建议; 发现危及职工生命安全的紧急情况时, 有权向矿山企业行政方面建议组织职工撤离危险现场, 矿山企业行政方面必须及时作出处理决定。

第二十六条 矿山企业必须对职工进行安全教育、培训; 未经安全教育、培训的, 不得上岗作业。

矿山企业安全生产的特种作业人员必须接受专门培训, 经考核合格取得操作资格证书的, 方可上岗作业。

第二十七条 矿长必须经过考核, 具备安全专业知识, 具有领导安全生产和处理矿山事故的能力。

矿山企业安全工作人员必须具备必要的安全专业知识和矿山安全工作经验。

第二十八条 矿山企业必须向职工发放保障安全生产所需的劳动防护用品。

第二十九条 矿山企业不得录用未成年人从事矿山井下劳动。

矿山企业对女职工按照国家规定实行特殊劳动保护, 不得分配女职工从事矿山井下劳动。

第三十条 矿山企业必须制定矿山事故防范措施, 并组织落实。

第三十一条 矿山企业应当建立由专职或者兼职人员组成的救护和医疗急救组织, 配备必要的装备、器材和药物。

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Article 36 In case an accident occurs at a mine, the mining enterprise concerned must organize rescue work immediately so as to prevent the developing of the accident and reduce casualties and property losses, and must immediately and truthfully report any accident involving casualties to the competent department of labour administration and the authorities in charge of mining enterprises.

Article 37 In the case of an ordinary mine accident, the mining enterprise concerned shall be responsible for the investigation and the disposition thereof.

In the case of a serious mine accident, the relevant government, together with its competent department, the trade union and the mining enterprise concerned, shall investigate and deal with the case in accordance with the provisions of administrative rules and regulations.

Article 38 Mining enterprises shall, in accordance with regulations of the State, give pensions or compensations for workers and staff members who died or were injured in accidents at mines.

Article 39 After the occurrence of a mine accident, dangers at the scene shall immediately be eliminated, causes of the accident promptly ascertained and preventive measures timely devised. Production may be resumed only after dangers at the scene have been eliminated.

Chapter VII Legal Liabilities

Article 40 Whoever commits any of the acts enumerated below in violation of this Law shall be ordered by the competent department of labour administration to make a rectification and may concurrently be punished by a fine; if the circumstances are serious, the case shall be submitted to the people's government at or above the county level for a decision ordering the suspension of production for consolidation; the person in charge and the person directly responsible shall be subjected to administrative sanctions by the unit to which they belong or by the competent authorities at higher levels:

- (1) assigning any worker or staff member a post of duty without due education and training in safety;
- (2) using equipments, apparatus, protective appliances and safety examination and testing instruments manufactured without complying with the national safety standards or safety standards of the industry;
- (3) failing to draw or use the special funds for safety technical measures in compliance with relevant regulations;
- (4) refusing personnel in charge of safety in mines to make on-the-spot inspections, or concealing hidden dangers of accidents or failing to truthfully report the situations when being inspected; and
- (5) failing to make timely and truthful reports, as prescribed, on accidents at mines.

Article 41 Mine managers without special knowledge of safety, or specialized operators in charge of safe production taking up a post of duty without certificates of operation qualifications shall be ordered by the competent department of labour administration to make a rectification within a fixed period of time; where rectifications are not made within the prescribed time limit, the matter shall be submitted to the relevant people's government at or above the county level for a decision ordering the suspension of production, and production may not be resumed until qualified personnel are assigned to such posts after readjustment.

Article 42 Where a mine construction project is started without having the designs of its safety facilities approved, the mining enterprise concerned shall be ordered by the authorities in charge of mining

第五章 矿山安全的监督和管理

第三十三条 县级以上各级人民政府劳动行政主管部门对矿山安全工作行使下列监督职责：

- (一)检查矿山企业和管理矿山企业的主管部门贯彻执行矿山安全法律、法规的情况；
- (二)参加矿山建设工程安全设施的设计审查和竣工验收；
- (三)检查矿山劳动条件和安全状况；
- (四)检查矿山企业职工安全教育、培训工作；
- (五)监督矿山企业提取和使用安全技术措施专项费用的情况；
- (六)参加并监督矿山事故的调查和处理；
- (七)法律、行政法规规定的其他监督职责。

第三十四条 县级以上人民政府管理矿山企业的主管部门对矿山安全工作行使下列管理职责：

- (一)检查矿山企业贯彻执行矿山安全法律、法规的情况；
- (二)审查批准矿山建设工程安全设施的设计；
- (三)负责矿山建设工程安全设施的竣工验收；
- (四)组织矿长和矿山企业安全工作人员的培训工作；
- (五)调查和处理重大矿山事故；
- (六)法律、行政法规规定的其他管理职责。

第三十五条 劳动行政主管部门的矿山安全监督人员有权进入矿山企业，在现场检查安全状况；发现有危及职工安全的紧急险情时，应当要求矿山企业立即处理。

第六章 矿山事故处理

第三十六条 发生矿山事故，矿山企业必须立即组织抢救，防止事故扩大，减少人员伤亡和财产损失，对伤亡事故必须立即如实报告劳动行政主管部门和管理矿山企业的主管部门。

第三十七条 发生一般矿山事故，由矿山企业负责调查和处理。

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Article 43 Where the safety facilities in a mine construction project are put into operation without having been inspected for acceptance or without having passed inspection for acceptance, the mining enterprise concerned shall be ordered to stop production by the competent department of labour administration in conjunction with the authorities in charge of mining enterprises, and shall also be fined by the competent department of labour administration; with respect to the mining enterprise refusing to stop production, the matter shall be submitted by the competent department of labour administration to the relevant people's government at or above the county level for a decision on the rescission of its mining permit and business license by the competent authorities.

Article 44 Where a mining enterprise already put into operation but without the due conditions for safe production insists on forced exploitation, it shall be ordered by the competent authorities of labour administration in conjunction with the authorities in charge of mining enterprises to make improvement within a fixed period of time; with respect to the mining enterprise that still fails to meet the conditions for safe production upon expiration of the period, the matter shall be submitted by the competent department of labour administration to the relevant people's government at or above the county level for a decision on the suspension of production for the purpose of consolidation or on the rescission of its mining permit and business license by the competent authorities.

Article 45 If any party is not satisfied with the decision on administrative sanctions, it may, within 15 days from receiving the notification of the sanction decision, apply for reconsideration to the higher authorities next to the one that has made the sanction decision; the party also may directly bring a suit before a people's court within 15 days from receiving the notification of the sanction decision.

The reconsideration authorities shall make a reconsideration decision within 60 days from receiving the application for reconsideration. If the party is not satisfied with the reconsideration decision, it may bring a suit before a people's court within 15 days from receiving the reconsideration decision. If upon expiration of the time limit, the reconsideration authorities fail to make a reconsideration decision, the party may bring a suit before a people's court within 15 days upon expiration of the period for reconsideration.

If upon expiration of the time period, the party concerned has not applied for reconsideration, nor brought a suit before a people's court, nor complied with the sanction decision, the authorities that have made the sanction decision may apply to the people's court for compulsory execution.

Article 46 Any responsible person of a mining enterprise who gives command in violation of regulations and compels workers to carry out operations at risks, thus causing accidents involving serious casualties, shall be subject to criminal liabilities in accordance with the relevant provisions of the [Criminal Law](#).

Article 47 Any responsible person who fails to take measures with respect to hidden dangers of accidents in the mine, thereby causing accidents involving serious casualties, shall be subject to criminal liabilities in accordance with the relevant provisions of the [Criminal Law](#).

Article 48 Where any person in charge of safety supervision or safety control in a mine abuses his power, neglects his duty, or practice favoritism and irregularities, and if the act constitutes a crime, the person concerned shall be investigated for criminal responsibilities in accordance with the law; if the act does not constitute a crime, administrative sanctions shall be given.

Chapter VIII Supplementary Provisions

Article 49 Regulations for implementation shall be formulated by the competent department of labour administration under the State Council in accordance with this Law, and the regulations formulated shall be submitted to the State Council for approval before implementation.

第三十八条 矿山企业对矿山事故中伤亡的职工按照国家规定给予抚恤或者补偿。

第三十九条 矿山事故发生后,应当尽快消除现场危险,查明事故原因,提出防范措施。现场危险消除后,方可恢复生产。

第七章 法律责任

第四十条 违反本法规定,有下列行为之一的,由劳动行政主管部门责令改正,可以并处罚款;情节严重的,提请县级以上人民政府决定责令停产整顿;对主管人员和直接责任人员由其所在单位或者上级主管机关给予行政处分:

- (一)未对职工进行安全教育、培训,分配职工上岗作业的;
- (二)使用不符合国家安全标准或者行业安全标准的设备、器材、防护用品、安全检测仪器的;
- (三)未按照规定提取或者使用安全技术措施专项费用的;
- (四)拒绝矿山安全监督人员现场检查或者在被检查时隐瞒事故隐患、不如实反映情况的;
- (五)未按照规定及时、如实报告矿山事故的。

第四十一条 矿长不具备安全专业知识的,安全生产的特种作业人员未取得操作资格证书上岗作业的,由劳动行政主管部门责令限期改正;逾期不改正的,提请县级以上人民政府决定责令停产,调整配备合格人员后,方可恢复生产。

第四十二条 矿山建设工程安全设施的设计未经批准擅自施工的,由管理矿山企业的主管部门责令停止施工;拒不执行的,由管理矿山企业的主管部门提请县级以上人民政府决定由有关主管部门吊销其采矿许可证和营业执照。

第四十三条 矿山建设工程的安全设施未经验收或者验收不合格擅自投入生产的,由劳动行政主管部门会同管理矿山企业的主管部门责令停止生产,并由劳动行政主管部门处以罚款;拒不停止生产的,由劳动行政主管部门提请

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产条件而强行开采的，由劳动行政主管部门会同管理矿山企业的主管部门责令限期改进；逾期仍不具备安全生产条件的，由劳动行政主管部门提请县级以上人民政府决定责令停产整顿或者由有关主管部门吊销其采矿许可证和营业执照。

第四十五条 当事人对行政处罚决定不服的，可以在接到处罚决定通知之日起15日内向作出处罚决定的机关的上一级机关申请复议；当事人也可以在接到处罚决定通知之日起15日内直接向人民法院起诉。

复议机关应当在接到复议申请之日起60日内作出复议决定。当事人对复议决定不服的，可以在接到复议决定之日起15日内向人民法院起诉。复议机关逾期不作出复议决定的，当事人可以在复议期满之日起15日内向人民法院起诉。

当事人逾期不申请复议也不向人民法院起诉，又不履行处罚决定的，作出处罚决定的机关可以申请人民法院强制执行。

第四十六条 矿山企业主管人员违章指挥、强令工人冒险作业，因而发生重大伤亡事故的，依照刑法有关规定追究刑事责任。

第四十七条 矿山企业主管人员对矿山事故隐患不采取措施，因而发生重大伤亡事故的，依照刑法有关规定追究刑事责任。

第四十八条 矿山安全监督人员和安全管理人员滥用职权、玩忽职守、徇私舞弊，构成犯罪的，依法追究刑事责任；不构成犯罪的，给予行政处分。

第八章 附 则

第四十九条 国务院劳动行政主管部门根据本法制定实施条例，报国务院批准施行。

省、自治区、直辖市人民代表大会常务委员会可以根据本法和本地区的实际情况，制定实施办法。

第五十条 本法自1993年5月1日起施行。

【法宝引证码】CLI.1.161153(EN) 北大法宝en.pkulaw.cn

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