ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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C A P. LXXIX.

An Act to amend the Law relating to Coal Mines.

[7th *August* 1862.]

WHEREAS it is expedient to amend an Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and fifty-one, and intituled *An Act for the Regulation and Inspection of Mines*, and herein-after referred to as the "Principal Act:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 23 & 24 Vict. c. 151.

Application of Act.

1. This Act shall apply only to Coal Mines and Ironstone Mines mentioned in the Seventh Section of the Principal Act.

Interpretation of Terms.

2. The Expression "existing Mine" shall mean a Mine that is actually being worked at the Time of the passing of this Act:

The Expression "new Mine" shall mean a Mine opened after the passing of this Act, or an old Mine the working of which is begun afresh after the passing of this Act.

Prohibition of single Shafts.

3. After the passing of this Act it shall not be lawful for the Owner of a new Mine, and after the First Day of *January* One

thousand

thousand eight hundred and sixty-five it shall not be lawful for the Owner of an existing Mine to employ any Person in working within such Mine, or to permit any Person to be in such Mine for the Purpose of working therein, unless there are in communication with every Seam of such Mine for the Time being at work at least Two Shafts or Outlets, separated by natural Strata of not less than Ten Feet in Breadth, by which Shafts or Outlets distinct Means of Ingress and Egress are available to the Persons employed in the Mine; but it shall not be necessary for the Two Shafts or Outlets to belong to the same Mine, if the Persons therein employed have available Means of Ingress and Egress by not less than Two Shafts or Outlets, One or more of which may belong to another Mine.

This Section shall not apply to opening a new Mine for the Purpose of searching for or proving Minerals, or to any Working for the Purpose of making a Communication between Two or more Shafts, so long as not more than Twenty Persons are employed at any one Time in the said new Mine or Working.

Appeal by Owner of existing Mine to Arbitration.

4. If the Owner of any existing Mine objects, within such Time as is herein-after mentioned, in Writing addressed to One of Her Majesty's Principal Secretaries of State, that by reason of the Nature of the Mine, or from its being nearly exhausted, or from any other special Cause, he ought to be exempted from the Obligation of providing an additional Shaft or Outlet in pursuance of this Act, or that he cannot provide an additional Shaft or Outlet within the Time limited by this Act, a Reference shall be made to Arbitration as to whether the Owner ought or ought not, under the Circumstances, to provide an additional Shaft or Outlet, or ought or ought not to have an Extension of Time for providing an additional Shaft or Outlet: If the Result of the Arbitration is in favour of the Owner, he shall, as the Case requires, be relieved from the Obligation of providing an additional Shaft or Outlet, or have such Extension of Time granted to him for providing an additional Shaft or Outlet as may be determined by the Award: If the Result of the Arbitration be against the Owner, or if no Award is made by reason of any Default or Neglect on the Part of the Owner, he shall be bound to comply with the Provisions of this Act, in the same Manner as if this Section had not been enacted.

Mode of conducting Arbitrations.

5. Arbitrations, in pursuance of this Act, shall be conducted in manner directed by the Thirteenth Section of the Principal Act in Cases where the Owner, within the Twenty Days therein mentioned, objects to any Alterations in or Additions to Rules, or Rules by way of Substitution proposed by the Secretary of State; but no Objection made in pursuance of this Act by the Owner of an existing Mine shall

shall be entertained unless it is made within the Times following; that is to say, if he claims to be exempted from the Obligation of providing an additional Shaft or Outlet in pursuance of this Act, within Six Calendar Months after the passing of this Act; and if he claims to have an Extension of Time for providing an additional Shaft or Outlet, within the Six Calendar Months immediately preceding the First Day of *January* One thousand eight hundred and sixty-five.

Power to enforce by Injunction Compliance with Act.

6. Any of Her Majesty's Superior Courts of Law or Equity may, upon the Application of the Attorney General acting on behalf of the said Secretary of State, prohibit by Injunction the working of any Mine in which any Person is employed in working, or is permitted to be for the Purpose of working, in contravention of the Provisions of this Act, and may award such Costs in the Matter of the Injunction as the Court thinks just; but this Section shall be without Prejudice to any other Remedy permitted by Law for enforcing the Provisions of this Act.

Agreements in contravention of Act illegal.

7. No Person shall be precluded by any Agreement made before the passing of this Act from doing such Acts as may be necessary for providing an additional Shaft or Outlet to a Mine where the same is required by this Act, or be liable under any Agreement to any Penalty or Forfeiture for doing such Acts as may be necessary in order to comply with the Provisions of this Act.

Construction of Act.

8. This Act shall be construed as One with the Principal Act, and the Powers hereby given shall be deemed to be in addition to and not in derogation of any Powers conferred by the Principal Act, and such last-mentioned Powers may be exercised in the same Manner as if this Act had not been passed.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.