Session and Chapter.	Short Title.	Extent of Repeal.
50 & 51 Vict. c. 24.	Crofters Holdings (Scotland) Act, 1887.	In section two, the words from "within" to "after the passing of this Act," and from "and they" to "case."
51 & 52 Vict. c. 63.	Crofters Commission (Delegation of Powers) Act, 1888.	The whole Act.
54 & 55 Vict. c. 41.	Crofters Common Grazings Regulation Act, 1891.	In section two, the words "in any "township or townships situated "in a crofting parish or parishes "within the meaning of the "principal Act"; and the words "of the township."
59 & 60 Vict. c. 37.	Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896.	In subsection (2) of section four, the words "for the improvement "of congested districts in the "Highlands and Islands of Scot-"land."
60 & 61 Vict. c. 53.	Congested Districts (Scotland) Act, 1897.	Section one. Section two. Subsections (1) and (2) of section three. In subsection (1) (*d*) of section four, the words "from congested dis-"tricts to other districts in Scot-"land." In subsection (1) (*f*) of section four, the word "lighthouses." Section eight.

CHAPTER 50.

An Act to consolidate and amend the Law relating to Coal Mines and certain other mines.

[16th December 1911.]

BE it enacted by the King'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:

APPLICATION OF ACT.

Application of Act.

1. The mines to which this Act applies are mines of coal, mines of stratified ironstone, mines of shale, and mines of fire-clay; and in this Act the expression "mine," unless the context otherwise requires, means a mine to which this Act applies.

Part I.

Management.

Managers.

Appointment of manager of mine.

2.—(1) Every mine shall be under one manager, who shall be responsible for the control, management, and direction of the mine, and the owner or agent of every mine shall appoint himself or some other person to be the manager of such mine.

(2) If any mine is worked without there being such a manager for the mine as is required by this section, the owner and agent shall each be guilty of an offence against this Act:

Provided that, if the person appointed to be manager of a mine, by reason of death, resignation, or otherwise, ceases to be manager, nothing in this section shall prevent the mine being worked (for a period not exceeding four months) until a new manager is appointed, if in the meantime a competent person holding a first-class or second-class certificate of competency under this Act is temporarily appointed to perform the duties and exercise the powers of manager.

(3) A small mine shall be exempt from the provisions of this section, unless the inspector of the division, by notice in writing served on the owner or agent of the mine, requires that it be under the control of a manager, and in any mine so exempt in which a manager has not been appointed the powers and duties conferred or imposed on the manager shall be exercised and performed by the owner or agent, and anything by or under this Act required to be done by or to the manager shall be done by or to the owner or agent.

(4) The owner or agent of a mine required to be under the control of a manager shall not take any part in the technical management of the mine unless he is qualified to be a manager.

(5) For the purpose of this section, workings having a common system of ventilation or any part of a system of ventilation in common shall be deemed to form part of the same mine.

Daily supervision of mine by manager or under-manager.

3.—(1) In every mine required to be under the control of a manager, daily personal supervision shall be exercised by the manager, and, where an under-manager has been appointed by the owner or agent of the mine, also by that under-manager.

(2) In cases where, on account of the absence of the manager or under-manager on leave or from sickness or any other temporary cause, such daily personal supervision as is required by this section cannot be exercised, arrangements shall be made for the duties of the manager or under-

manager, as the case may be, in respect of daily personal supervision being performed—

(*a*) in the absence of the manager, by the under-manager, if any, or by a person not under the age of twenty-five years and holding a first or second-class certificate of competency under this Act, appointed in writing by the owner or agent;

(*b*) in the absence of the under-manager, in the case of a mine for which a separate under-manager is required by this Act to be appointed, by a person not under the age of twenty-five years and holding a first or second-class certificate of competency under this Act appointed as aforesaid:

And any person performing the duties of a manager or under-manager whether under this or under the last preceding section, shall have the same responsibility, and shall be subject to the same liability, as the person whose duties he is performing.

(3) If in any mine there is a contravention of or non-compliance with the provisions of this section, the mine shall be deemed to be not managed in conformity with this Act.

Limitation of number of mines for which manager may act.

4.—(1) After the first day of January nineteen hundred and thirteen, no person who is the manager of a mine shall, without the approval of the inspector of the division, be the manager of any other mine required to be under the control of a manager, if the aggregate number of persons employed underground in the mine of which he is manager and that other mine exceeds one thousand, or if all the shafts or adits for the time being in use in working the mine of which he is manager and that other mine do not lie within a circle having a radius not exceeding two miles.

(2) Where any person is appointed to be the manager of two or more mines required to be under the control of a manager, a separate under-manager shall be appointed for each mine.

(3) If it appears to the Secretary of State that the personal supervision and control exercised by the manager of any mine are insufficient, by reason of the person who is manager of that mine being also manager of any one or more other mines, the Secretary of State may by order limit the number of such mines for which a person may act as manager.

If the owner, agent, or manager of the mine disputes the reasonableness of the order, the matter shall be settled in manner provided by this Act for settling disputes.

(4) If any person acts in contravention of any such order, or connives at any such contravention, he shall be guilty of an offence against this Act.

Qualifications of managers and under-managers.

5.—(1) A person shall not be qualified to be appointed or to be manager of a mine required to be under the control of a manager, unless he is at least twenty-five years of age and

is for the time being registered as the holder of a first-class certificate of competency under this Act.

(2) A person shall not be qualified to be appointed or to be an under-manager of a mine, or manager of a mine which is not required to be under the control of a manager, unless he is for the time being registered as the holder of a first-class or a second-class certificate of competency under this Act.

Notification of name and address of manager, &c.

6. On the appointment in pursuance of this Act of a person to be manager or under-manager of a mine, or to perform temporarily the duties of manager or under-manager, the owner or agent shall send to the inspector of the division notice of the name and address of that person and the number and class of the certificate held by him, and, if he fails to do so, he shall be guilty of an offence under this Act.

Certificates of Competency.

Description of certificates of competency.

7. There shall be two descriptions of certificates of competency under this Act (that is to say,)—

(1) first-class certificates;

(2) second-class certificates.

Constitution of Board for Mining Examinations.

8.—(1) For the purpose of ascertaining the fitness of applicants for certificates of competency under this Act, a Board, to be styled "The Board for Mining Examinations," shall be constituted by the Secretary of State, consisting of—

(*a*) six representatives of owners or agents of mines or managers of mines or mining engineers;

(*b*) six representatives of workmen employed in mines;

(*c*) the chief inspector and two divisional inspectors of mines; and

(*d*) two persons eminent in mining and scientific knowledge.

The members of the Board shall be appointed and may be removed by the Secretary of State, and shall hold office during his pleasure.

(2) The procedure of the Board shall be in accordance with rules made by the Board subject to the approval of the Secretary of State.

(3) The Board shall, at such intervals as the Secretary of State may determine, make to him a report of their proceedings and of such other matters as he may require.

Examinations for certificates.

9.—(1) The Board for Mining Examinations shall hold examinations at such times and in such places as may be fixed by the Board subject to the approval of the Secretary of State.

(2) The Board may, subject to the approval of the Secretary of State, make rules for the conduct of the examinations and the qualifications of applicants for certificates of competency under this Act, and the rules shall amongst other things provide—

(*a*) that the examination and qualifications of applicants for second-class certificates shall be suitable for practical working miners; and

(*b*) that no person shall be qualified to be an applicant for a certificate unless he—

(i) is twenty-three years of age or upwards; and

(ii) has had such practical experience in mining (either in the United Kingdom or partly in the United Kingdom and partly elsewhere) as may be required by the rules for a period of not less than five years, or (in the case of an applicant who has received an approved diploma, or has taken an approved degree) of not less than three years; and

(iii) has given satisfactory evidence of his sobriety, experience, and general good conduct; and

(*c*) for the holding, as a part of the examination, of vivâ voce examinations in different localities with a view to the practical knowledge of applicants for certificates in each locality being tested with reference to the local mining conditions, and for requiring at least one of the examiners in every vivâ voce examination to be a person possessing practical acquaintance with those conditions.

(3) The Board may, subject to the consent of the Secretary of State as to number, appoint, remove, and re-appoint examiners to conduct examinations.

(4) A person acting as examiner shall not take any part in the examination of the papers, or in the vivâ voce examination, of any applicant for a certificate whom he has in any way trained or instructed in any of the subjects of the examination.

(5) The remuneration to be paid to the examiners and the fees to be paid by applicants for certificates shall be such as the Secretary of State, with the consent of the Treasury, may determine.

(6) For the purposes of this section, "approved diploma" means a diploma in scientific and mining training after a course of study of at least two years at an institution approved by the Secretary of State, and "approved degree" means a degree of any University approved by the Secretary of State which involves training in and knowledge of scientific and mining subjects; and the approval of the Secretary of State may be given subject to such conditions as he may think fit, and may be revoked by him at any time.

Grant of certificates.

10.—(1) The Secretary of State shall deliver to every applicant who is duly reported by the Board for Mining Examinations to have passed the examination satisfactorily such a certificate of competency as the case requires.

(2) The Secretary of State may deliver such a certificate without examination to an applicant who is the holder of a certificate granted in any British possession or foreign country, if the Board report that the standard of training and examination required for the grant of such a certificate is equivalent to that required for the grant of a corresponding certificate under this Act.

(3) A register of the holders of certificates shall be kept by such person and in such manner as the Secretary of State directs.

Inquiry into competency of holders of certificates.

11.—(1) If at any time representation is made to the Secretary of State by an inspector or otherwise that any person holding a certificate of competency under this Act is, by reason of incompetency or gross negligence or misconduct in the capacity of, or while temporarily performing the duties of, manager or under-manager of a mine, unfit to continue to hold a certificate of competency, or has been convicted of an offence against this Act or any enactment repealed by this Act, the Secretary of State may, if he thinks fit, cause inquiry to be made into the conduct of that person, and with respect to every such inquiry the following provisions shall have effect:—

(*a*) The inquiry shall be public, and shall be held, at such place as the Secretary of State may appoint, by such county court judge, metropolitan police magistrate, stipendiary magistrate, or other person or persons (herein-after in this section referred to as the court) as may be directed by the Secretary of State, and either alone or with the assistance of any assessor or assessors named by the Secretary of State:

(*b*) The Secretary of State shall, before the commencement of the inquiry, furnish to the person into whose conduct inquiry is made a statement of the case on which the inquiry is instituted:

(*c*) The person into whose conduct inquiry is made may attend the inquiry by himself, his counsel, solicitor, or agent, and may, if he thinks fit, be sworn and examined as an ordinary witness in the case:

(*d*) The court shall, on the conclusion of the inquiry, send to the Secretary of State a report containing a full statement of the case, and the opinion of the court thereon, and such report of, or extracts from, the evidence as the court may think fit:

(*e*) The court shall have power to cancel or suspend the certificate of the person into whose conduct inquiry is made, if it finds that he is, by reason of incompetency, or of such gross negligence or misconduct as aforesaid, or of his having been convicted of an offence against this Act or any enactment repealed by this Act, unfit to continue to hold a certificate of competency:

(*f*) The court may require the person into whose conduct inquiry is made to deliver up his certificate. The court shall hold a certificate so delivered until the conclusion of the investigation, and shall then either restore, cancel, or suspend the certificate according to its judgment on the case:

(*g*) The court shall have, for the purpose of the inquiry, all the powers of a court of summary jurisdiction

when acting as a court in hearing informations for offences against this Act, and all the powers of an inspector under this Act, and in addition the following powers:—

(i) power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to summon and examine for the purpose of the inquiry, and for that purpose to require answers or returns to such inquiries as the court thinks fit to make;

(ii) power to require the production of all books, papers, and documents which the court considers important for the purpose of the inquiry:

(*h*) A person attending as a witness before the court shall be allowed such expenses as would be allowed to a witness attending on subpœna before a court of record; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of the Supreme Court, who, on request signed by the court, shall ascertain and certify the proper amount of such expenses.

(2) If any person without reasonable excuse (proof whereof shall lie on him) fails to comply with any summons or requisition of the court, or impedes the court in the execution of its duty, he shall be guilty of an offence against this Act, and a person who is guilty of any such offence shall, in addition to any other fine to which he is liable under this Act, be liable to a fine not exceeding one pound for every day during which the offence continues.

(3) The court may make such order as it thinks fit respecting the costs and expenses of the inquiry, and such order shall, on the application of any party entitled to the benefit thereof, be enforced by any court of summary jurisdiction as if such costs and expenses were a fine imposed by that court.

(4) The Secretary of State may, if he thinks fit, pay to the person or persons constituting the court, including any assessors, such remuneration as he may with the consent of the Treasury determine.

Provisions as to cancellation and suspension of certificates.

12.—(1) Where a certificate of competency under this Act is cancelled or suspended in pursuance of this Act, the Secretary of State shall cause the cancellation or suspension to be recorded in the register of holders of certificates.

(2) The Secretary of State may at any time, if it is shown to him to be just so to do, renew or restore, on such terms as he thinks fit, any certificate which has been cancelled or suspended in pursuance of this Act, and cause the renewal or restoration to be recorded in the register.

Copies of lost certificates.

13. Whenever any person proves to the satisfaction of the Secretary of State that he has, without fault on his part, lost or been deprived of any certificate granted to him under this Act,

the Secretary of State shall, on payment of such fee, if any, as he may prescribe, cause a copy of the certificate to which the applicant appears by the register to be entitled, to be made out, and certified by the person who keeps the register, and delivered to the applicant; and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original certificate.

Firemen, Examiners, and Deputies.

Appointment of firemen, examiners, and deputies.

14.—(1) For every mine there shall be appointed by the manager in writing one or more competent persons (herein-after referred to as firemen, examiners or deputies) to make such inspections and carry out such other duties as to the presence of gas, ventilation, state of roof and sides, and general safety (including the checking and recording of the number of persons under his charge) as are required by this Act and the regulations of the mine.

(2) A fireman, examiner, or deputy shall be required to devote his whole time to such duties as aforesaid (herein-after referred to as his statutory duties), but this provision shall not apply in the case of a fireman, examiner, or deputy in—

(*a*) any mine in which the total number of persons employed below ground at one time does not exceed thirty; or

(*b*) any mine in the counties of Durham or Northumberland; or

(*c*) any mine exempted by the inspector of the division on the ground of the special circumstances of the mine;

and nothing in this provision shall prevent any fireman, examiner, or deputy in any mine being employed in measuring the work done by persons in his district, or in firing shots in his district:

Provided that any duties assigned to or undertaken by any fireman, examiner, or deputy in addition to his statutory duties shall not be such as to prevent him carrying out his statutory duties in a thorough manner; and, if any question arises whether any additional duties are such as to prevent him carrying out his statutory duties in a thorough manner, that question shall be decided by the inspector of the division, whose decision shall be final.

(3) The district of a mine assigned to a fireman, examiner, or deputy shall not be of such a size as would prevent him from carrying out in a thorough manner all his statutory duties.

(4) A mine in which there is a contravention of this section shall be deemed not to be managed in conformity with this Act.

Qualifications of firemen, examiners, and deputies.

15.—(1) A person shall not, after the first day of January nineteen hundred and thirteen, be qualified to be appointed or to be a fireman, examiner, or deputy unless he—

(*a*) is the holder of a first or second-class certificate of competency under this Act or is twenty-five years of

age or upwards and has had at least five years' practical experience underground in a mine, of which not less than two years have been at the face of the workings of a mine; and

(*b*) has obtained a certificate in the prescribed form from a mining school or other institution or authority approved by the Secretary of State as to his ability to make accurate tests (so far as practicable with a safety lamp) for inflammable gas, and to measure the quantity of air in an air current, and that his hearing is such as to enable him to carry out his duties efficiently; and

(*c*) has, within the preceding five years, obtained from such approved school, institution, or authority as aforesaid, or from a duly qualified medical practitioner, a certificate in the prescribed form to the effect that his eyesight is such as to enable him to make accurate tests for inflammable gas and that his hearing is such as to enable him to carry out his duties efficiently, the expense of obtaining which shall, in the case of a person employed at the time as fireman, examiner, or deputy, be borne by the owner of the mine:

Provided that a person shall not be required to have obtained a certificate as to ability to make tests for inflammable gas or as to eyesight, if he is employed in a mine in which inflammable gas is unknown.

(2) The certificate as to the eyesight and hearing of a fireman, examiner, or deputy employed in a mine shall, whilst he is so employed, be kept at the office at the mine, and, whenever a requisition in that behalf is made by an inspector, produced for his inspection.

Inspections on behalf of Workmen.

Periodical inspection on behalf of workmen.

16.—(1) The workmen employed in a mine may, at their own cost, appoint two of their number or any two persons, not being mining engineers, who are or who have been practical working miners and have had not less than five years' experience of underground work, to inspect the mine, and the persons so appointed shall be allowed once at least in every month, accompanied, if the owner, agent, or manager of the mine thinks fit, by himself or one or more officials of the mine, to go to every part of the mine, and to inspect the shafts, roads, levels, workings, air-ways, ventilating apparatus, old workings, and machinery, and shall, where an accident has occurred in a mine of which notice is required under this Act to be given, be allowed to go together with any person acting as legal adviser to the workmen, or with a mining or electrical engineer selected by the workmen, accompanied as aforesaid, to the place where the accident occurred, and to make such inspection as may be necessary for ascertaining the cause of the accident, subject, however, to the provisions of this Act requiring the place where

an accident has occurred to be left as it was immediately after the accident.

(2) Every facility shall be afforded by the owner, agent, and manager and all persons in the mine for the purpose of the inspection, and the manager shall on demand produce to the persons appointed the certificates of all firemen, examiners, or deputies employed in the mine, and the persons appointed shall, except where the inspection is an inspection for the purpose of ascertaining the cause of an accident, forthwith make and sign a full and accurate report of the result of the inspection in a book to be kept at the mine for the purpose; and the owner, agent, or manager shall forthwith cause a true copy of the report to be sent to the inspector of the division.

(3) If the owner, agent, or manager, or any other person refuses or neglects to afford such facilities as aforesaid, or if the manager fails to produce the certificates of the firemen, examiners, or deputies, or if the owner, agent, or manager fails to send a true copy of the report in accordance with this section, he shall be guilty of an offence against this Act.

Returns, Plans, Notices and Books.

Reports by persons having responsible duties.

17.—(1) In addition to the reports specially required by this Act, it shall be the duty of every person on whom responsible duties are imposed with respect to safety or to the condition of the roadways, workings, ventilation, machinery, shafts, shot-firing, safety lamps, electrical plant, or animals at a mine, and who shall be required to do so by the regulations of the mine, to make, at such intervals as may be fixed by the regulations of the mine in a book to be kept at the mine, full and accurate reports of the matters falling within the scope of his duties.

(2) Copies of the reports required to be made under the last preceding section and under the provisions of this Act relating to inspections before commencing work and inspections during shifts shall be posted up at the pit head, not later than ten o'clock in the morning on the day following the day on which the reports are made, and remain posted until ten o'clock in the morning on the following day.

Returns by owner, agent, or manager of mine.

18.—(1) On or before the twenty-first day of January in every year, the owner, agent, or manager of every mine shall send to the inspector of the division a correct return, specifying, with respect to the year ending on the preceding thirty-first day of December—

(*a*) the particulars contained in the form in the First Schedule to this Act, or in such other form as may, from time to time, be prescribed in lieu of that form;

(*b*) such particulars as may be prescribed of all accidents which occurred in or about the mine during the year to which the return relates and disabled, for more than seven days, any person employed in or about the mine from working at his ordinary work;

(*c*) such particulars as may be prescribed as to the supply and maintenance with respect to the mine of appliances for use in rescue work and ambulance appliances, the formation and training of rescue brigades, and the training of men in ambulance work; and

(*d*) such other particulars as the Secretary of State may prescribe by order made in like manner and subject to the like procedure as general regulations under this Act.

(2) Forms for the purpose of the returns required by this section shall, on application, be furnished by the inspector of the division.

(3) The Secretary of State may publish the aggregate results of the returns made under this section with respect to any particular county or inspector's division, or any large portion of a county or inspector's division, and so much of any individual return as does not relate to the quantity or value of mineral gotten, but the portion of any individual return relating to the quantity or value of mineral gotten shall not be published without the consent of the owner of the mine to which it relates; and no person, except an inspector or the Secretary of State or any body of commissioners incorporated by Act of Parliament for the drainage of mines, and authorised to assess and levy rates in respect of minerals gotten from such mines, shall be entitled, without such consent, to see such portion as aforesaid of any individual return.

(4) Every owner, agent, or manager of a mine who fails to comply with this section, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against this Act.

Notices of opening and abandonment of mine.

19. In any of the following cases, namely,

(i) Where any working is commenced for the purpose of opening a new shaft, outlet, or seam of any mine;

(ii) Where a shaft, outlet, or seam of any mine is abandoned or the working thereof discontinued;

(iii) Where the working of a shaft, outlet, or seam of any mine is recommenced after any abandonment or discontinuance for a period exceeding two months; or

(iv) Where any change occurs in the name of any mine, or in the name of the owner or agent of any mine, or in the principal officers of any company which is the owner of a mine;

the owner, agent, or manager of the mine shall give notice thereof to the inspector of the division within two months after the commencement, abandonment, discontinuance, recommencement, or change, and, if such notice is not given, the owner, agent, or manager shall be guilty of an offence against this Act.

Plans of mine and ventilation.

20.—(1) The owner, agent, or manager of every mine shall keep in the office at the mine—

(i) an accurate plan of the workings of the mine, up to a date not more than three months previously, showing—

(*a*) the boundaries of the mine, where possible, and the position of the workings with regard to the surface and variations of level on the roadways from the Ordnance basis, being variations of ten feet or any multiple of ten feet; and

(*b*) the general direction and rate of dip of the strata; and

(*c*) the position, direction, and extent of every known fault of every seam with its vertical throw, and of every known washout and intrusive dyke; and

(*d*) the depth of every shaft; and

(ii) a section of the strata sunk through, or, if that is not reasonably practicable, a section of every seam.

(2) The owner, agent, or manager of every mine shall also keep in the office at the mine a separate plan showing the system of ventilation in the mine, and in particular the general direction of the currents, the points where the quantity of air is measured, and the principal devices for the regulation and distribution of the air, and on every such plan the intake airways shall be coloured blue and the return airways red.

(3) Every such plan must be on a scale of not less than forty inches to the mile, and must be prepared by or under the supervision of a surveyor possessing the prescribed qualifications, and shall be of a durable character:

Provided that, in the case of a mine opened before the passing of this Act, it shall be sufficient if the scale of the plan is not less than the Ordnance scale of twenty-five inches to the mile.

(4) The owner, agent, or manager of the mine shall, on request at any time of an inspector, produce to him at the office at the mine such plans and section, and shall also, on the like request, mark on such plans the then state of the workings of the mine as respects the particulars required to be shown on the plan under subsection (1) of this section; and the inspector shall be entitled to examine the plans and section, and, for official purposes only, to make a copy of any part thereof.

(5) If the owner, agent, or manager of any mine fails to keep, or wilfully refuses to produce or allow to be examined or copied, any such plan or section, or wilfully withholds any portion thereof, or wilfully refuses, on request, to mark thereon the state of the workings of the mine, or conceals any part of those workings, or produces an imperfect or inaccurate plan or section, he shall (unless he shows that he was ignorant of

the concealment, imperfection, or inaccuracy) be guilty of an offence against this Act.

Further, the inspector may, by notice in writing (whether a penalty for the offence has or has not been inflicted), require the owner, agent, or manager to cause an accurate plan and section, showing the particulars herein-before required, to be made within a reasonable time at the expense of the owner of the mine in accordance with the provisions herein-before contained, and, if the owner, agent, or manager fails, within twenty days after the requisition of the inspector or within such further time as may be allowed by the Secretary of State, to cause such plan and section to be made as hereby required, he shall be guilty of an offence against this Act.

Plans of abandoned mines.

21.—(1) Where any mine or seam is abandoned, the person who is owner of the mine or seam at the time of its abandonment shall, within three months after the abandonment, send to the Secretary of State:

(i) An accurate plan of the mine or seam showing—

(*a*) the boundaries of the workings of the mine or seam, including not only the working faces but also all headings in advance thereof, up to the time of the abandonment;

(*b*) the pillars of coal or other mineral remaining unworked;

(*c*) the position, direction, and extent of every known fault of every seam in the mine or of the seam, as the case may be, with its vertical throw and of every known washout and intrusive dyke;

(*d*) the position of the workings with regard to the surface;

(*e*) the general direction and rate of dip of the strata; and

(*f*) the depth of every shaft or, in the case of an abandoned seam, the depth of every shaft from the surface to that seam; and

(ii) A section of the strata sunk through, or, if that is not reasonably practicable, a section of every seam in the mine or of the seam, as the case may be.

(2) Every such plan must be on a scale of not less than that of the Ordnance Survey of twenty-five inches to the mile in the case of a mine opened before the passing of this Act, and on a scale of not less than forty inches to the mile in the case of a mine opened after the passing of this Act, and its accuracy must be certified, so far as is reasonably practicable, by a surveyor possessing the prescribed qualifications, and it shall be of a durable character:

Provided that the foregoing requirement as to the scale of the plan shall not apply as respects any workings plotted before the commencement of this Act.

(3) The plan and section shall be preserved under the care of the Secretary of State:

Provided that, if an abandoned mine or seam is re-opened, the owner shall be entitled to have the plan and section returned to him on depositing with the Secretary of State a copy of the plan and section, or of such portions thereof as the Secretary of State may require, certified to be correct by a competent draftsman.

(4) No person except an inspector shall be entitled, without the consent of the owner for the time being of the mine or seam, or a licence of the Secretary of State, to see the plan or section whilst preserved as aforesaid until after the expiration of ten years from the time of the abandonment, but such licence shall not be granted, unless the Secretary of State is satisfied that the inspection of such plan is necessary in the interests of safety.

(5) Where a mine or seam has not been worked for a period of twelve months, it shall be deemed for the purposes of this Act to have been abandoned unless the roadways and workings of the mine or seam are maintained in an accessible condition.

(6) If the owner of a mine or seam fails to comply with this section, he shall be guilty of an offence against this Act.

(7) A complaint or information for an offence under this section may be made or laid at any time within six months after abandonment of the mine or seam, or after service on the owner aforesaid of a notice to comply with the requirements of this section, whichever last happens.

(8) The High Court may, on application by or on behalf of the Secretary of State, make an order requiring any person who has, for the time being, the custody or possession of any plan or section of an abandoned mine or seam to produce it to the Secretary of State for the purpose of inspection or copying.

Returns as to abandonment of mines.

22. Where any mine is abandoned, the person who is owner of the mine at the time of its abandonment shall, within three months of the abandonment, send to the inspector of the division a correct return specifying, with respect to the period which has elapsed since the expiration of the year covered by the last annual return made under this Act, the particulars required in that return, except those required under Parts B. and D. of the First Schedule to this Act; and the provisions of this Act with respect to the said annual return shall apply to the return so sent.

Power of Secretary of State to have new plans prepared.

23. If it appears to the Secretary of State that any plan or section required by this Act to be kept in the office at a mine or to be sent to the Secretary of State is inaccurate, and that in the interests of safety it is desirable to have a new plan or section prepared, he may appoint a surveyor to make such new plan or section, and a surveyor so appointed shall be afforded by the owner, agent, or manager all necessary facilities for the purpose of making such plan or section, and if, on the making of such new plan or section, it appears that the original plan or section was inaccurate in any material particular, the cost of making the new plan or section, or such proportion thereof as the Secretary

of State thinks fit, shall be defrayed by the owner of the mine or, as the case may require, the person who was at the time of its abandonment the owner of the mine or seam, and recoverable from him as a debt to the Crown.

Books and copies thereof.

24.—(1) All such books as are by this Act required to be kept at a mine shall be provided by the owner, agent, or manager, and shall be in the prescribed form, and the books, or a correct copy thereof, shall be kept at the office at the mine and any inspector, and any person employed in the mine or anyone having the written authority of any inspector or person so employed, may, at all reasonable times, inspect and take copies of and extracts from any such books; but nothing in this Act shall be construed to impose the obligation of keeping any such book or a copy thereof for more than twelve months after the book has ceased to be used for entries therein under this Act.

(2) Every report required by this Act to be recorded in a book kept at the mine for the purpose shall be submitted to the manager and under-manager, if any, of the mine, or, in the absence of the manager or under-manager, to the person performing the duties of manager or under-manager, as the case may be, in pursuance of the foregoing provisions of this Act, and shall be countersigned by them on the day on which the report is made or the day following.

(3) Any mine in which there is a contravention of or non-compliance with the provisions of this section shall be deemed to be not managed in conformity with this Act.

Miscellaneous.

Division of mine into parts.

25.—(1) Where two or more parts of a mine are worked separately, the owner, agent, or manager of the mine may give notice in writing to that effect to the inspector of the division, and thereupon each such part shall, for all the purposes of this Act, be deemed to be a separate mine:

Provided that, where each of such parts of a mine has not a separate system of ventilation, a mine shall not be so divided, except with the permission of the inspector of the division and subject to such conditions as he may prescribe.

(2) Every notice given under the foregoing provision must specify the points of separation on all roads connecting the different parts of the mine.

(3) If the Secretary of State is of opinion that the division of a mine in pursuance of this section tends to lead to evasion of the provisions of this Act, or otherwise to prevent the carrying of this Act into effect, he may object to the division by notice served on the owner, agent, or manager of the mine; and, if the owner, agent, or manager refuses to acquiesce in such objection, the matter shall be determined in manner provided by this Act for settling disputes.

Fencing in case of abandoned mine.

26.—(1) Where any mine is abandoned or the working thereof discontinued, at whatever time the abandonment or discontinuance occurred, it shall be the duty of the owner

thereof, and of every other person interested in the minerals of the mine, to cause the top or entrance of every shaft and outlet to be kept surrounded by a structure of a permanent character sufficient to prevent accidents:

Provided that—

(i) Subject to any contract to the contrary, the owner of the mine shall, as between himself and any other person interested in the minerals of the mine, be liable to carry this section into effect, and to pay any costs, charges and expenses incurred by any other person interested in the minerals of the mine in carrying this section into effect:

(ii) Nothing in this section shall exempt any person from any liability under any other Act, or otherwise.

(2) No person shall be precluded by any agreement or otherwise from doing, or be liable to any injunction, damages, penalty, or forfeiture in respect of, such acts as may be necessary in order to comply with the provisions of this section.

(3) Any shaft or outlet which is not kept surrounded by a structure as required by this section shall be deemed to be a nuisance within the meaning of section ninety-one of the Public Health Act, 1875. 38 & 39 Vict. c. 55.

27.—(1) In every mine the materials required for the support of the roofs and sides shall be provided by and at the cost of the owner of the mine, and the firemen, examiners, or deputies and all other officials of the mine shall be appointed, and their wages paid, by the owner, notwithstanding that the mine or any part thereof is worked, or any part of the operations therein is carried on, by a contractor, and no such contractor, nor any person employed by him, shall be appointed to be manager, under-manager, or fireman, examiner, or deputy of the mine. Special provisions as to mines worked by contractor.

(2) Where under any contract existing at the passing of this Act the materials required for the support of the roof or sides are to be provided, or the wages of any official are to be paid, by any person other than the owner, the owner may apply to the county court of the district in which the mine is situate, and the court may make such variation in the terms of the contract as appears to the court just and equitable under the circumstances of the case, or in the alternative the court may, at the request of the owner, determine the contract.

(3) Any mine in which there is a contravention of or non-compliance with the provisions of this section shall be deemed to be not managed in conformity with this Act.

28. Every person who commits any of the following offences; that is to say, Penalty for forgery of, or false declaration as to, certificate.

(1) Forges or counterfeits any certificate of competency or other certificate granted under this Act or any Act repealed by this Act, or any official copy of any such certificate; or

(2) Knowingly utters or uses any such certificate or copy which has been forged or counterfeited or contains any false statement; or

(3) For the purpose of obtaining, for himself or any other person, employment as a manager or under-manager or in any other capacity, or the grant renewal or restoration of any such certificate as aforesaid, or a copy thereof, either

(*a*) makes or gives any declaration, representation, statement, or evidence which is false in any particular; or

(*b*) knowingly utters, produces, or makes use of any such declaration, representation, statement, or evidence, or any document containing the same; or

(4) Knowingly makes any false statement in any report or entry required under this Act to be recorded in a book kept at the mine;

shall be guilty of a misdemeanour, and be liable on conviction to imprisonment, with or without hard labour, for a term not exceeding two years.

PART II.

PROVISIONS AS TO SAFETY.

Ventilation.

Standard of ventilation.

29.—(1) An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless inflammable and noxious gases to such an extent that all shafts, roads, levels, stables, and workings of the mine shall be in a fit state for working and passing therein, and in particular that the intake airways up to within one hundred yards of the first working-place at the working-face which the air enters shall be normally kept free from inflammable gas:

Provided always that—

(*a*) an abandoned road or level not used in connexion with the working of the mine shall, if properly fenced off, not be deemed to be a road or level within the meaning of this section; and

(*b*) no person shall be liable in respect of any contravention of or failure to comply with the provisions of this section if he shows that the ventilation was interrupted in consequence of an accident, and that no persons were employed in any part of the mine in which an adequate amount of ventilation was not being produced, except such persons as it was necessary to employ in that part of the mine for the purpose of restoring the ventilation.

(2) In every mine the quantity of air in the main current and in every split and at such points as may be determined by the regulations of the mine shall, at least once in every

month, be measured and entered in a book to be kept for the purpose at the mine.

(3) For the purposes of this section, a place shall not be deemed to be in a fit state for working or passing therein if the air contains either less than nineteen per cent. of oxygen or more than one-and-a-quarter per cent. of carbon dioxide, and an intake airway shall not be deemed to be normally kept free from inflammable gas if the average percentage of inflammable gas found in six samples of air taken by an inspector in the air current in that airway at intervals of not less than a fortnight exceeds one quarter:

Provided that, in case of a mine which is liable to spontaneous combustion of coal, a place shall be deemed to be in a fit state for working or passing therein, notwithstanding that the air contains either less than nineteen per cent. of oxygen or more than one-and-a-quarter per cent. of carbon dioxide, if the mine has been exempted by order of the Secretary of State, and the conditions on which the exemption is granted are complied with.

Classification of mines for purposes of ventilation.

30.—(1) General regulations under this Act shall provide for the classification of mines according to the amount of the inflammable and noxious gases in the main return airway, and the amount of air passing into a mine shall not be less than such amount as may be prescribed by the general regulations as respects mines of the class to which the mine belongs.

(2) The obligation imposed by this section shall be in addition to, and not in substitution for, the obligation to provide an adequate amount of ventilation imposed by the last foregoing section.

Requirements as to the use of certain methods of ventilation.

31.—(1) Where a fire is used for ventilation in any mine, the return air shall be carried off clear of the fire by means of a dumb drift or airway, unless the mine is one in which inflammable gas is unknown.

(2) Where a mechanical contrivance for ventilation is used at any mine, it shall not be placed beneath the surface:

Provided that this provision shall not be construed as preventing mechanical contrivances for ventilation being placed underground either—

(*a*) when such contrivances are auxiliary only and the contrivance whereby the main ventilation is produced is placed on the surface and is capable of producing such amount of ventilation as, in an emergency, would be sufficient for the safety of the persons employed underground; or

(*b*) when such contrivances afford a complete additional system of ventilation, and when a complete ventilating appliance is provided on the surface capable of producing such sufficient amount of ventilation as aforesaid and immediately available for use in the event of accident, and is kept in an effective condition and is used once at least in each week.

(3) After the first day of January, nineteen hundred and thirteen, or such later date as, in view of the circumstances of the mine, may be fixed by the inspector of the division, there shall, in every mine in which a mechanical contrivance for ventilation is used, be provided and maintained in a condition to be put into immediate operation adequate means for reversing the air current.

(4) No fire shall be used below ground for ventilation in any mine or seam newly opened after the passing of this Act, except in the case of a small mine, in which the upcast shaft contains no inflammable material.

Safety Lamps.

Use of safety lamps in certain places.

32.—(1) No lamp or light other than a locked safety lamp shall be allowed or used—

(*a*) in any seam, where the air current in the return airway from any ventilating district in the seam is found normally to contain more than one half per cent. of inflammable gas; or

(*b*) in any seam (except in the main intake airways within two hundred yards from the shaft) in which an explosion of inflammable gas causing any personal injury whatever has occurred within the previous twelve months, unless an exemption is given by the Secretary of State on the ground that, on account of the special character of the mine, the use of safety lamps is not required;

(*c*) in any place in a mine in which there is likely to be any such quantity of inflammable gas as to render the use of naked lights dangerous;

(*d*) in any working near to or approaching a place in which there is likely to be an accumulation of inflammable gas;

(*e*) in any place where the use of safety lamps is required by the regulations of the mine:

Provided that—

(i) subject always to the provisions of this Act and any regulations made thereunder as to the use of electricity in mines, electric lamps, if enclosed in airtight fittings and having the lamp globes hermetically sealed, may be used on main haulage roads or elsewhere within such limits as may be fixed by the regulations of the mine; and

(ii) for the purpose of paragraph (*b*) of this subsection an explosion occurring before the commencement of this Act shall not be taken into account.

(2) Where, in pursuance of this Act or the regulations of the mine, the use of safety lamps has been introduced in any part of a ventilating district, it shall not be lawful to use naked lights in any other part of the same ventilating district situated between the place where such lamps are used and the return

airway, except when the use of safety lamps in that part of the district was introduced as a temporary precaution, and the conditions are not such as to render necessary the introduction of the use of safety lamps throughout the district.

(3) Where, in pursuance of this Act or the regulations of the mine, the use of safety lamps has been introduced otherwise than as a temporary precaution against apprehended danger in any part of a mine, no lamp or light, other than a locked safety lamp, shall subsequently be allowed or used in that part without the sanction of the inspector of the division, which sanction shall not be withheld unreasonably, and any question as to whether such sanction has been unreasonably withheld shall be determined in manner provided by this Act for settling disputes.

(4) The average percentage of inflammable gas found in six samples of air taken by an inspector in the air current in the return airway in the ventilating district at intervals of not less than a fortnight shall, for the purposes of this section, be deemed to be the percentage normally contained in the air.

(5) Where safety lamps are required, in pursuance of this section, to be used in any seam, they shall also be used in any cross-measure drift connected with that seam.

Construction of safety lamps.

33. Wherever safety lamps are required by this Act or the regulations of the mine to be used, no safety lamp shall, after the first day of January nineteen hundred and thirteen be used by any person employed in the mine, unless it is provided by the owner of the mine, and is of a type for the time being approved, as respects the class of mines to which the mine belongs, by the Secretary of State.

Examination of safety lamps

34.—(1) In any mine or part of a mine in which safety lamps are required by this Act or the regulations of the mine to be used—

(i) A safety lamp shall not be used, unless it has, since last in use, been thoroughly examined at the surface by a competent person appointed in writing by the manager for the purpose and found by him in safe working order and securely locked, and a record shall be kept of the men to whom the several lamps are given out:

(ii) A competent person appointed in writing by the manager for the purpose shall also examine every lamp on its being returned, and, if on such an examination any lamp is found to be damaged, he shall record the nature of the damage in a book to be kept at the mine for the purpose, and the damage shall be deemed to have been due to the neglect or default of the person to whom the lamp was given out, unless he proves that the damage was due to no fault of his own and that he immediately gave notice of the damage to the fireman, examiner, or deputy, or some other official of the mine appointed in writing by the manager for the purpose:

(iii) A safety lamp shall not be unlocked except at an appointed lamp station (which shall not be in a return

airway) by a competent person appointed in writing by the manager for the purpose, nor, except in the case of electric hand lamps, shall it be relighted except by such a person at an appointed lamp station after examination by him, and no person other than such person as aforesaid shall have in his possession any contrivance for relighting or opening the lock of any safety lamp:

(iv) No part of a safety lamp shall be removed by any person whilst the lamp is in ordinary use.

(2) Where, in any such mine or part of a mine as aforesaid, any damage is caused to a lamp through the neglect or default of the person to whom the lamp was given out, that person shall be guilty of an offence against this Act.

Prohibition against possession of lucifer matches, &c.

35.—(1) In any mine or part of a mine in which safety lamps are required by this Act or the regulations of the mine to be used, no person shall have in his possession any lucifer match nor any apparatus of any kind for producing a light or spark except so far as may be authorised for the purpose of shot firing or relighting lamps by an order made by the Secretary of State, or any cigar, cigarette, pipe, or contrivance for smoking.

(2) The manager of a mine in which, or in any part of which, safety lamps are required by this Act or by the regulations of the mine to be used, shall, for the purpose of ascertaining before the persons employed below ground in the mine or in the part of the mine, as the case may be, commence work whether they have in their possession any lucifer match or such apparatus as aforesaid or cigar, cigarette, pipe, or contrivance for smoking, cause either all those persons, or such of them as may be selected on a system approved by the inspector of the division, to be searched in the prescribed manner after or immediately before entering the mine or that part of the mine.

(3) No person shall search any workmen in pursuance of this section, unless he has previously given an opportunity to some two workmen employed in the mine to search himself, and no lucifer match, or such apparatus as aforesaid, and no cigar, cigarette, pipe, or contrivance for smoking, has been found on him.

(4) Any person who refuses to allow himself to be searched in accordance with the foregoing provision shall be guilty of an offence against this Act, and shall not be allowed to enter the mine, or the part of a mine, as the case may be, and any person who, on being searched is found to have in his possession any of the articles prohibited under this section, shall be guilty of an offence against this Act.

Shafts and Winding.

Requirements as to shafts and outlets.

36.—(1) There must be in every mine at least two shafts or outlets, with which every seam for the time being at work in the mine shall have a communication, so that such shafts or outlets shall afford separate means of ingress and egress available to the

persons employed in every such seam, whether the shafts or outlets belong to the same mine or to more than one mine.

(2) Such two shafts or outlets must not at any point be nearer to one another than fifteen yards, and there shall be between them a communication not less than four feet wide and four feet high.

(3) Every part of the mine in which ten or more persons are employed at the same time shall be provided with at least two ways affording means of egress to the surface, and so arranged that, in the event of either becoming impassable at any point, the other will afford means of egress to the surface.

(4) No person shall be precluded by any agreement from doing such acts as may be necessary for complying with the foregoing provisions of this section, or be liable under any contract to any injunction, damages, penalty, or forfeiture for doing such acts as may be necessary in order to comply therewith.

(5) The foregoing provisions of this section shall not apply—

(i) in the case of a new mine or seam being opened—

(*a*) to any working for the purpose of making a communication between two or more shafts or outlets; or

(*b*) to any working for the purpose of searching for or proving minerals;

so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connexion with a single shaft or outlet; nor

(ii) to any proved mine, so long as it is exempted by order of the Secretary of State on the ground either—

(*a*) that the quantity of mineral proved is not sufficient to repay the outlay which would be occasioned by sinking or making a second shaft or outlet, or by establishing communication with a second shaft or outlet, in any case where such communication existed and has become unavailable; or

(*b*) that the workings in any seam of the mine have reached the boundary of the property or the extremity of the mineral field of which that seam is a part, and that it is expedient to work away the pillars already formed in course of the ordinary working, notwithstanding that one of the shafts or outlets may be cut off by so working away the pillars of that seam;

and so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connexion with a single shaft or outlet; nor

(iii) to any mine—

(*a*) while a shaft is being sunk, or an outlet being made; or

(*b*) one of the shafts or outlets of which has become, by reason of some accident, unavailable for the use of the persons employed in the mine;

so long as the mine is exempted by order of the Secretary of State, and as the conditions (if any) annexed to the order of exemption are duly observed.

(6) The foregoing provisions of this section requiring the two shafts or outlets of a mine to be separated by a distance of not less than fifteen yards shall not apply to any mine which is provided with two shafts sunk before the first day of January eighteen hundred and sixty-five, and at that time separated by a distance of less than ten feet, or commenced to be sunk before the first day of January eighteen hundred and eighty-eight, and separated by a distance of ten feet or upwards, but less than fifteen yards.

(7) The foregoing provisions of this section as to the dimensions of the communications between two shafts or outlets shall not apply to any mine or class of mines for the time being exempted therefrom by order of the Secretary of State by reason of the thinness of the seams or other exigencies affecting that mine or class of mines, and so long as the conditions (if any) annexed to the order of exemption are duly observed.

Fencing of shafts and entrances.

37.—(1) Every entrance to any place below ground in a mine which is not in actual use or course of working or extension shall be kept securely fenced across the whole width of the entrance, so as to prevent persons inadvertently entering the same.

(2) The top of every shaft which for the time being is out of use, or used only as a ventilating shaft, shall be kept securely fenced.

(3) The top and bottom of every working, ventilating, or pumping shaft, and all entrances into the workings therefrom, shall be kept securely fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations if proper precautions are used.

Securing of shafts.

38. Every working or pumping shaft and every such shaft in the course of being sunk shall be securely cased or lined, or otherwise made secure.

Option of using downcast shaft.

39. Where of the two shafts communicating with a seam one is a furnace shaft, and both shafts are provided with apparatus in use for raising and lowering persons, every person employed in the seam shall, on giving reasonable notice, have the option of using the downcast shaft.

Provision of winding apparatus.

40.—(1) Proper and separate apparatus for raising or lowering persons to or from the surface, of such a character as may be prescribed by the regulations of the mine, shall be kept at each of the two shafts or outlets required by the foregoing provisions of this Act, and at any other shaft or outlet for the time being in use for the purpose of ingress or egress, and such

apparatus, if not in actual use, shall be constantly available for use, and no person shall, except for the purposes of sinking operations or for the purpose of examining or repairing the shafts or outlets or the machinery or appliances therein, or for the purpose of accompanying animals or bulky material which cannot be raised or lowered in a cage, or where a written exemption is given by the inspector of the division, be raised or lowered otherwise than in a cage constructed in accordance with the provisions of this section:

Provided that this subsection shall not apply to any outlet by which persons can walk into or out of the mine otherwise than by ladders.

(2) Where the apparatus ordinarily used for raising or lowering persons to or from the surface is worked by mechanical power it shall, if the shaft is vertical, be provided with a detaching hook, and, if the shaft is more than one hundred yards in depth, shall also be provided with an effective automatic contrivance to prevent overwinding.

The provisions of this subsection shall not apply to any mine or class of mine which is exempted by the Secretary of State on the ground of the special circumstances of the mine or class of mine, and shall come into operation on the first day of July nineteen hundred and thirteen or such later date as, in view of the circumstances of the mine, may be fixed by the inspector of the division.

(3) Guides shall be provided in the case of every working shaft over fifty yards in depth, and, in the case of every shaft in the course of being sunk, over one hundred yards in depth, unless a written exemption is given by the inspector of the division.

(4) Keps for supporting the cage when at rest shall be provided at the surface level where mineral is usually unloaded, but shall not be provided at any intermediate landings in the shaft. The keps provided at the surface level, and also the keps, if any, provided at the bottom of the shaft, shall be used when persons are entering or leaving the cage.

The foregoing requirement as to the provision of keps shall not apply to a system of winding by means of a single rope where the cages are held by the friction of the rope on the winding sheave.

(5) Every winding rope shall be recapped at intervals of not more than six months in accordance with general regulations under this Act, and no winding rope which has been in use for more than three and a half years or which has been spliced shall be used for raising or lowering persons.

(6) Every engine used for raising or lowering persons shall be completely separated by a substantial partition from every other engine used for that purpose at the same time, and from machinery used for any purpose other than for raising or lowering persons, unless a written exemption is given by the inspector of the division.

(7) Every cage shall be provided with catches or other suitable contrivance to prevent tubs falling out, and, if used for lowering or raising persons, shall be covered in completely at the top and closed in at the two sides in a sufficient manner to prevent persons or things from projecting beyond the sides, and shall be provided with suitable gates or other rigid fences and with a rigid hand-bar fixed in a position where it can be easily reached by all persons in the cage.

(8) Rods shall not be used for attaching a cage to the winding rope unless connected with the cage through the medium of an efficient spring.

(9) There shall be on the drum of every apparatus used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances as shall effectively prevent the rope from slipping.

(10) Where the apparatus used for lowering or raising persons is worked by mechanical power, there shall be provided one or more brakes of sufficient power by themselves to hold the cage when loaded at any point in the shaft, and a proper indicator (in addition to any mark on the rope) showing to the person who works the machine, on a dial or in some sufficient manner, the position of the cage in the shaft and placed in such a position as to be easily seen by him at the same time as the marks on the rope.

If the drum is not on the crank shaft, there shall be an adequate brake on the drum shaft.

(11) No minerals, tubs, timber, or other materials, and no implements or tools other than scientific instruments, shall be raised or lowered whilst persons are being raised or lowered in the same shaft, whether in the same cage or not:

Provided that—

(*a*) this subsection shall not apply in the case of men working in the shafts, or in the case of men accompanying animals or bulky materials which cannot be raised or lowered in a cage; and

(*b*) where a shaft is divided throughout by a substantial partition, each section of the shaft shall, for the purpose of the provisions of this subsection, be deemed to be a separate shaft.

Means of signalling in shafts.

41. Every working shaft and every shaft in the course of being sunk shall, if exceeding twenty-five yards in depth, be provided with some proper means of communicating distinct and definite signals from and to the bottom of the shaft, and from and to every entrance for the time being in use between the surface and the bottom of the shaft, to and from the surface.

Travelling Roads and Haulage.

Provisions as to travelling roads.

42.—(1) For every seam in a mine newly opened after the commencement of this Act and not being a mine exempted from this provision by general regulations under this Act, there shall be provided (except within such distance from the shaft as may

be fixed by the regulations of the mine) two main intake airways, which shall be of such size and shall be maintained in such condition as to afford a ready means of ingress to and egress from the workings, and one of which shall not be used for the haulage of coal.

General regulations shall be made under this Act for determining the classes of mines which ought, having regard to their natural condition, to be exempted from the foregoing provision, and those regulations shall also provide for the exemption of any mine in which the number of persons employed underground does not at any one time exceed one hundred or which is naturally wet throughout.

(2) For every seam in a mine newly opened after the commencement of this Act which is exempted by general regulations from the foregoing provisions of this section, and for every seam in a mine opened before the passing of this Act, there shall be provided two main airways, which shall be of such size and shall be maintained in such condition as to afford a ready means of ingress to and egress from the workings.

(3) In the case of every mine or seam newly opened after the commencement of this Act, all stoppings between main intake airways and main return airways and all air-crossings shall so far as practicable be so constructed as not to be liable to be destroyed in the event of an explosion, and general regulations may be made under this Act providing for the manner in which such stoppings and air crossings are to be constructed.

(4) Where, in the case of any mine or seam newly opened after the passing of this Act, the air-current in the main return airway is found normally to contain more than one half per cent. of inflammable gas, that airway shall not (except for the purpose of removing any coal gotten in the operation of enlarging or repairing the airway, or within a distance of three hundred yards from the shaft) be used for the haulage of coal.

For the purpose of this provision, the average percentage of inflammable gas found in six samples of air taken by an inspector in the air-current at intervals of not less than a fortnight shall be deemed to be the percentage normally contained in the air-current.

(5) In the case of every mine newly opened after the commencement of this Act, the main airways, if driven in the same seam, shall be so arranged that they shall not, at any point, except for the purpose of crossing, or within a distance of three hundred yards from the shafts, or such other distance from the shafts as may be fixed by the regulations of the mine, be less than such distances apart as shall be fixed by the regulations of the mine, and the distances from one another of the connexions between the main airways shall not be less than the minimum distance specified in those regulations.

Provisions as to travelling on haulage roads, &c.

43.—(1) On and after the first day of January, nineteen hundred and fourteen, no person, other than an official of the mine or a person employed on the road in connexion with the haulage, or a person engaged in carrying out any repairing work

requiring to be carried out forthwith, shall, while the haulage is in motion, travel on foot on any haulage road on which the haulage is worked by gravity or mechanical power, except—

(*a*) Where there is provided on one side of the road a clear space of at least two feet in width between the tubs and that side of the road, and the rate of haulage is not more than ten miles an hour; or

(*b*) Where, in the case of a haulage road in which such a clear space as aforesaid is not provided, the rate of haulage is not more than three miles an hour and the gradient does not exceed one in twelve, or in respect of any part of the road not exceeding one hundred yards in length, one in nine, and the space between the tracks of rail, where there is more than one track, is kept clear of obstructions:

Provided that—

(i) in the case of a haulage road in which such a clear space as aforesaid has been provided, but the space so provided has in some part of it been reduced to a width of less than two feet by reason of some cause over which the owner, agent, or manager of the mine has no control, the foregoing prohibition shall not apply during the time (not exceeding the time reasonably required for the purpose) during which the repairs necessary for restoring the width to two feet are being carried out; and

(ii) the exception herein-before contained as respects haulage roads in which no such clear space as aforesaid is provided shall apply only in the case of mines opened before the commencement of this Act or mines in which the character of the strata makes it unreasonable to require such a clear space to be provided.

If any question arises as to whether the character of the strata in any mine makes it unreasonable to require a clear space to be provided, that question shall be determined in the manner provided by this Act for settling disputes.

(2) Where the haulage is worked by gravity or mechanical power, no person shall be allowed to ride on sets or trains of tubs except—

(*a*) a person travelling on a set or train for the purpose of detaching or attaching tubs from or to the haulage rope, if that set or train is not proceeding at a higher speed than three miles an hour; or

(*b*) men being conveyed, with the written permission of the manager or under-manager, to or from their work at the commencement or end of their employment (including any person in charge of a set or train of tubs on which men are being so conveyed); or

(*c*) the driver of a locomotive.

(3) In all places where sets or trains consisting of three or more tubs are coupled or uncoupled, there shall be a clear space of at least two feet between tubs standing on any rails and the side of the road nearest to those rails:

Provided that—

(*a*) where there are two parallel lines of rails, the foregoing provision shall not apply if there is a clear space of at least three feet between tubs standing on those rails; and

(*b*) where, in the case of any existing mine, compliance with the requirements of this subsection would necessitate the removal of arching or other masonry work, or where, in the case of any mine, sets or trains of tubs are coupled or uncoupled at the face, or at the pass-bye next the face, other provisions for securing safety may be substituted by the regulations of the mine for those requirements.

The provisions of this subsection shall come into operation on the first day of January, nineteen hundred and thirteen:

Provided that this subsection shall not apply to any district in any mine as respects which the Secretary of State is satisfied that it will be worked out within three years from the commencement of this Act.

(4) In measuring any clear space for the purposes of this section, any props or other supports of the roof projecting beyond the side of the road shall be deemed to form part of the side.

Provision of refuge holes.

44.—(1) Every haulage road on which the haulage is worked by gravity or mechanical power, shall be provided with sufficient refuge holes at intervals of not more than ten yards, but, if the gradient does not exceed one in twenty, and either such a clear space as aforesaid is provided or the rate of haulage is not more than three miles an hour, it shall be sufficient if the intervals are not more than twenty yards.

(2) Every haulage road on which the haulage is worked by animal power shall be provided with sufficient refuge holes at intervals of not more than twenty-five yards.

(3) Every refuge hole shall be—

(*a*) as near as may be three feet in width and not less than four feet in depth;

(*b*) not less in height than the height of the haulage road at the point where the hole is, or six feet, whichever is the less;

(*c*) if such a clear space as aforesaid is provided, on the same side of the road as that space;

(*d*) if no such clear space as aforesaid is provided, on the same side of the road as the other refuge holes, or where the road is on a curve, on the outer side of the curve;

(*e*) marked with a distinctive number;

(*f*) if necessary to make it readily visible, constantly kept whitewashed both inside and for a distance of not less than one foot round the aperture;

(*g*) kept clean.

(4) Nothing shall be placed in any refuge hole or across the entrance thereto so as to impede ingress.

(5) Notwithstanding anything in this section, it shall not be necessary to provide refuge holes on any road within twenty-five yards of the working face.

Dimensions of travelling roads.

45.—(1) Every travelling road shall be of adequate height, and, if the height of any such road appears to the inspector of the division to be inadequate, he may require that the height be increased to such extent as he thinks proper, and the manager shall comply with the requisition unless he disputes the reasonableness thereof, in which case the dispute shall be settled in manner provided by this Act for settling disputes.

(2) Every road on which a horse or other animal is used underground or by which it has to pass to get to its work shall be of sufficient dimensions to allow the horse or other animal to pass without rubbing itself or its harness against the roof or sides or the bars or props supporting the roof or sides.

Apparatus on haulage roads.

46.—(1) Every rope used for haulage which is capped shall be recapped at intervals of not more than six months in accordance with general regulations under this Act.

(2) Sufficient and suitable sprags, lockers, or drags shall be provided and used for the purpose of holding a tub or set of tubs—

(*a*) at the top of every incline on which the haulage is worked by gravity;

(*b*) at every place where sets or trains consisting of three or more tubs are coupled or uncoupled;

(*c*) on all roads or parts of roads where the gradient exceeds one in twenty, and the haulage is worked by animal power.

(3) Stop blocks or other similar contrivances shall be provided at the top of every incline on which the haulage, not being endless-rope or endless-chain haulage, is worked by gravity, and at every entrance thereto by which tubs are brought on to the incline.

(4) On every haulage road where mechanical haulage, not being endless-rope or endless-chain haulage, is used, and where the gradient exceeds one in twelve—

(*a*) runaway switches or other suitable contrivances shall be provided where the use thereof is practicable to prevent accidents in the event of a tub running away;

(*b*) there shall be provided and attached to an ascending tub or set of tubs a back-stay or other suitable contrivance for preventing the tub running back;

(*c*) over-chains, bridle-chains, or other suitable appliances shall be provided to prevent tubs in which persons are being conveyed from becoming disconnected and running away.

Clearance of haulage roads.

47. Every haulage road shall be kept clear as far as possible of pieces of coal and other obstructions.

Provision of means of signalling.

48. Every haulage road on which persons travel and on which the haulage is worked by gravity or mechanical power shall be provided (if exceeding thirty yards in length) with some proper means of communicating distinct and definite signals between all regular stopping places and the ends of the road.

Support of Roof and Sides.

Securing of roofs and sides.

49. The roof and sides of every travelling road and working place shall be made secure, and a person shall not, unless appointed for the purpose of exploring or repairing, travel on or work in any travelling road or working place which is not so made secure.

Systematic support of roof and sides.

50.—(1) Where props or props and bars or chocks are used to support the roof at the working face, the roof under which any work of getting coal or filling tubs is carried on shall be systematically and adequately supported, and the props or chocks shall be set at such regular intervals and in such manner as may be specified in the notice herein-after mentioned.

(2) Holing props or sprags shall be set as soon as practicable, and shall be set at such regular intervals and in such manner as may be specified in the notice herein-after mentioned, and shall not be removed until the coal is about to be taken down and before the roof supports (if any) have been advanced in the manner specified in the notice.

(3) In all parts of a roadway in which sets or trains consisting of three or more tubs are coupled or uncoupled, the roof and sides shall be systematically and adequately supported, and in such parts and in all other parts of the roadway the roof or sides of which require to be supported, if props or bars are used as supports, such supports shall be set at such regular intervals and in such manner as may be specified in the notice herein-after mentioned.

(4) The manager shall, by notice, specify the manner in which the supports are to be set and advanced, and the maximum intervals to be observed on roadways between the supports, and at the face—

(*a*) between each row of props;
(*b*) between adjacent props in the same row;
(*c*) between the front row of props and the face;
(*d*) between the holing props or sprags;
(*e*) between chocks:

Provided that the interval between holing props or sprags shall in no case exceed six feet.

(5) If the inspector of the division considers that the system of supporting the roof and sides adopted in any part of a mine is unsatisfactory, either by reason of the distances fixed or any of them being excessive or otherwise, he may require the manager to fix some less distance or otherwise modify the system, and the manager shall comply with the requisition unless he disputes the reasonableness thereof, in which case the dispute shall be settled in manner provided by this Act for settling disputes.

(6) This section shall not apply to the mines of stratified ironstone in the Cleveland district or of thick coal in the South Staffordshire district or to mines in any other district as respects which the Secretary of State is satisfied that similar conditions prevail.

(7) Nothing in this section shall prevent a workman from setting supports in his working place at more frequent intervals than those specified in the notice aforesaid, where necessary for safety.

Supply of props and bars.

51. Where the work of erecting the supports of the roof and sides of working places is done by the workmen employed therein, a sufficient supply of timber or other materials suitable for supports shall be kept at or within ten yards of every working place where, in pursuance of this Act, supports are required to be erected, and also at the pass-bye, siding, or other similar place in the mine convenient to the workmen; and it shall be the duty of the firemen, examiners, or deputies to see that such sufficient supply is so kept, and any working place in which such a sufficient supply is not kept shall not be deemed to be safe for the purpose of the provisions of this Act. Sufficient timber or other materials as aforesaid, to enable the firemen, examiners, or deputies to see that the provisions of this section are complied with shall be constantly provided.

Withdrawal and removal of supports.

52.—(1) In any part of a mine where any work is being carried out which necessitates the removal of roof supports, temporary supports shall, in all cases, be set so as to secure the safety of the persons employed.

(2) Props shall not be withdrawn from the waste or goaf or from under a roof which appears to a fireman, examiner, or deputy to be insecure otherwise than by means of a safety contrivance, and it shall be the duty of the firemen, examiners, and deputies to examine all roofs from under which props are about to be withdrawn with a view to determining whether the props ought to be withdrawn by means of a safety contrivance.

Signalling.

Signalling.

53.—(1) The general code of signals in mines shall be such uniform code as may be prescribed by general regulations under this Act.

(2) There shall be in attendance at the top of every shaft by which any persons are about to be lowered into the mine a competent person for the purpose of receiving and transmitting signals, and, as long as persons are in the mine below ground, a competent person shall be in constant attendance for that purpose at the top of the shaft from which such persons are to be raised and, unless all the persons in the mine are officials or persons authorised in writing by the manager to give signals, at every entrance from the workings in which such persons are engaged into the shaft from which persons are raised.

(3) All signals, other than those relating to underground haulage, transmitted to the surface shall be transmitted simultaneously to the engineman and to the persons stationed as aforesaid at the top of the shaft.

Telephonic communication.

54. Such means of telephonic communication between different parts of a mine shall be provided as may be required by the regulations of the mine.

Provisions as to Machinery.

Fencing machinery.

55. Every fly-wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be kept securely fenced.

Boilers.

56.—(1) Every steam boiler used for generating steam in or about a mine must, whether separate or one of a range—

(*a*) have attached to it, a proper safety-valve, and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler; and

(*b*) be examined thoroughly by a competent person at least once in every fourteen months; and

(*c*) be cleaned out and examined internally, as far as the construction of the boiler will permit, by the person in charge of it once at least in every three months.

(2) Every such boiler, safety-valve, steam-gauge, and water-gauge must be maintained in proper working condition, and all water-gauges shall be adequately protected by a covering or guard unless so constructed as to be equally safe to the persons employed whether so protected or not.

(3) A report of the result of every examination under this section in the prescribed form and containing the prescribed particulars, shall, within fourteen days, be entered into or attached to a book to be kept at the mine for the purpose, and the report shall be signed by the person making the examination, and, if that person is an inspector of a boiler inspecting company or association, by the chief engineer of the company or association.

(4) The foregoing provisions of this section shall not apply to the boiler of any locomotive which belongs to and is used by any railway company.

(5) A steam boiler shall not be placed under ground in any mine after the passing of this Act.

Appointment and duties of engineman.

57.—(1) A competent male person not less than twenty-two years of age shall be appointed in writing by the manager for the purpose of working the machinery which is employed in lowering and raising persons from or to the surface, and a person so appointed for that purpose is in this Act referred to as a winding engineman.

(2) A winding engineman shall attend for the purpose aforesaid during the whole time that any person is below ground in the mine.

(3) After the prescribed date and except as may be provided by general regulations under this Act, a winding engineman shall not be employed for more than eight hours in any one day, and provision shall be made by general regulations for requiring particulars to be recorded in a book kept at the mine with respect to the hours of employment of winding enginemen.

(4) Where on any haulage road the haulage is effected by means of any machinery worked either by mechanical power or by animal or manual labour, the person in charge of such machinery, and, if persons are being conveyed, the person in charge of any part of the machinery, ropes, chains, or tackle connected therewith, must be a competent male person not less than eighteen years of age. The foregoing provision shall not apply in the case of machinery worked by an engine of not more than ten horse-power, and used for the purpose of hauling mineral from the face.

Where the machinery is worked by an animal, the person under whose direction the driver of the animal acts shall for the purposes of this section be deemed to be the person in charge of the machinery.

Restriction on use of internal combustion engines in mines.

58. Except with the permission of the Secretary of State, no internal combustion engine shall be newly introduced underground in any coal mine after the passing of this Act.

Egress from engine rooms, &c.

59. Every steam engine room and boiler gallery and motor room in or about a mine shall be provided with at least two proper means of egress.

Electricity.

Restrictions on the use of electricity.

60.—(1) Electricity shall not be used in any part of a mine where, on account of the risk of explosion of gas or coal dust, the use of electricity would be dangerous to life, and, if the owner of a mine, on being required by an inspector of the division not to use, or to desist from using, electricity in the mine or any part thereof on such ground as aforesaid, refuses to do so, the question as to the application of this section to the mine or part thereof shall be settled in manner provided by this Act for settling disputes.

(2) If at any time in any place in the mine the percentage of inflammable gas in the general body of the air in that place is found to exceed one and a quarter, the electric current shall at once be cut off from all cables and other electrical apparatus in that place, and shall not be switched on again as long as the percentage of inflammable gas exceeds that amount:

Provided that nothing in this subsection shall apply to any telephone or signalling wires or instruments as long as the conditions prescribed with reference to the installation and use of such wires and instruments are complied with, nor to any electric hand-lamps of a type for the time being approved.

(3) When any question under this section is to be settled in the manner provided by this Act for settling disputes, the owner shall, pending the settlement of the question, comply with the requirement of the inspector subject to an appeal to the chief inspector.

(4) The use of electricity in any mine shall be subject to general regulations under this Act.

Explosives.

Explosives.

61.—(1) The Secretary of State may, by order of which notice shall be given in such manner as he may direct, regulate the supply, use, and storage of any explosives at mines or any class of mines, and may, by any such order, prohibit the use of any explosive which appears to him of a kind to be or to be likely to become dangerous in mines or any class of mines, either absolutely or subject to such conditions as may be prescribed by the order.

(2) No explosives shall be taken into or used in any mine except explosives provided by the owner, and the price, if any, charged by the owner to the workman for any explosives so provided shall not exceed the actual net cost to the owner.

Prevention of Coal Dust.

Prevention of coal dust.

62. In every mine, unless the floor, roof, and sides of the roads are naturally wet throughout,—

(1) arrangements shall be made to prevent, as far as practicable, coal dust from the screens entering the downcast shaft; and, in the case of a mine newly opened after the passing of this Act, no plant for the screening or sorting of coal shall be situated within a distance of eighty yards from any downcast shaft unless a written exemption is given by the inspector of the division;

(2) the tubs shall be so constructed and maintained as to prevent, as far as practicable, coal dust escaping through the sides, ends, or floor of the tubs, but any tub which was in use in any mine at the date of the passing of this Act may, notwithstanding that it

is not so constructed, continue to be used in that mine for a period of five years from the said date;

(3) the floor, roof and sides of the roads shall be systematically cleared so as to prevent, as far as practicable, coal dust accumulating;

(4) such systematic steps, either by way of watering or otherwise, as may be laid down by the regulations of the mine shall be taken to prevent explosions of coal dust occurring or being carried along the roads;

(5) the roads shall be examined daily and a report (to be recorded in a book kept at the mine for the purpose made on their condition as to coal dust and on the steps taken to mitigate danger arising therefrom.

Inspections as to Safety.

Appointment of stations.

63. For the purpose of the inspections before the commencement of work in a shift herein-after mentioned, one or more stations shall be appointed at the entrance to the mine or to different parts of the mine, as the case may require, and no workman shall pass beyond any such station until the part of the mine beyond that station has been examined and reported to be safe in manner herein-after mentioned.

Inspections before commencing work.

64.—(1) The firemen, examiners, or deputies of a mine shall, within such time not exceeding two hours immediately before the commencement of work in a shift as may be fixed by the regulations of the mine, inspect every part of the mine situated beyond the station or each of the stations, and in which workmen are to work or pass during that shift, and all working places in which work is temporarily stopped within any ventilating district in which the men have to work, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof and sides, and general safety are concerned.

(2) Except in the case of a mine in which inflammable gas is unknown, the inspection shall be made with a locked safety lamp, and no other light shall be used during the inspection.

(3) A full and accurate report specifying whether or not, and where, if any, noxious or inflammable gas was found, and whether or not any, and, if any, what defects in roofs or sides and other sources of danger were observed, shall be recorded without delay in a book to be kept at the mine for the purpose, and accessible to the workmen, and such report shall be signed by, and, so far as the same does not consist of printed matter, shall be in the handwriting of, the person who made the inspection.

(4) For the purpose of the foregoing provisions of this section, two or more shifts succeeding one another so that work is carried on without any interval are to be deemed to be one shift.

Inspections during shifts.

65. A similar inspection shall be made twice at least in the course of each shift of all parts of the mine situated beyond the station or each of the stations aforesaid and in which workmen are to work or pass during that shift, but it shall not be necessary to record a report of the first of such inspections in a book: Provided that, in the case of a mine worked by a succession of shifts, no place shall remain uninspected for an interval of more than five hours.

Examination of machinery.

66. Competent persons appointed by the manager for the purpose, shall—

(*a*) once at least in every twenty-four hours, examine thoroughly the state of the external parts of the machinery, the state of the guides in the shafts, and the state of the head gear, ropes, chains, cages, and other similar appliances of the mine which are in actual use for the purpose of raising or lowering persons in a mine; and

(*b*) once at least in every week, examine thoroughly the state of all other machinery, gear, and other appliances of the mine which are actually in use, whether above ground or below ground; and

(*c*) once at least in every week, examine thoroughly the state of the shafts in which persons are lowered or raised; and

(*d*) once at least in every week, examine thoroughly the state of every airway in the mine;

and shall make a full and accurate report of the result of the examination, and every such report shall be recorded without delay in a book to be kept at the mine for the purpose and accessible to the workmen, and shall be signed by the person who made the examination.

Withdrawal of Workmen.

Withdrawal of workmen in case of danger.

67.—(1) If at any time it is found by the person for the time being in charge of the mine, or any part thereof, that, by reason of the prevalence of inflammable or noxious gases, or of any cause whatever, the mine or any place in the mine is dangerous, every workman shall be withdrawn from the mine or place found dangerous, and a fireman, examiner, or deputy, or other competent person authorised by the manager or under-manager for the purpose shall inspect the mine or place found dangerous, and, if the danger arises from inflammable gas, shall inspect the mine or place with a locked safety lamp, and in every case shall make a full and accurate report of the condition of the mine or place; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger or for the removal thereof, or for exploration, be readmitted into the mine or place found dangerous,

until the same is reported by the fireman, examiner, or deputy not to be dangerous.

(2) For the purposes of this section, a place shall be deemed to be dangerous if the percentage of inflammable gas in the general body of the air in that place is found to be two and a half or upwards, or, if situate in a part of a mine worked with naked lights, one and one quarter or upwards.

(3) Every such report shall be recorded in a separate book which shall be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

(4) If a workman discovers the presence of inflammable gas in his working place, he shall immediately withdraw therefrom and inform the fireman, examiner, or deputy.

Miscellaneous.

Water and bore-holes.

68. Where any working has approached within forty yards of a place containing or likely to contain an accumulation of water or other liquid matter, or of disused workings (not being workings which have been examined and found to be free from accumulations of water or other liquid matter), the working shall not exceed eight feet in width, and there shall be constantly kept extending to a sufficient distance, not being less than five yards, in advance, at least one bore-hole near the centre of the working, and sufficient flank bore-holes on each side at intervals of not more than five yards.

Storage and use of inflammable material below ground.

69.—(1) No oil, grease, canvas, or other highly inflammable material shall be stored below ground in any mine except in a fireproof receptacle or chamber.

(2) In any mine, being a mine newly opened after the passing of this Act and not being a small mine, no inflammable material likely to cause danger from fire to the persons employed below ground shall be used in the construction of the pithead frame or of the roof, if any, over the pithead.

(3) No inflammable material likely to cause danger from fire to the persons employed below ground shall, after the passing of this Act, be used in the construction of any engine-house below ground.

Provision of means for extinguishing fire.

70. At all parts of a mine where timber, grease, or other inflammable material is stored, and at all insets where timber is used for the construction of the staging, and at every pithead, steam-engine room, and boiler gallery in the construction of which timber is used, adequate means of extinguishing fire shall be provided.

Barometer, &c.

71.—(1) A barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine, and a hygrometer shall be placed below ground in a conspicuous position near a shaft or outlet both in the main intake airway and in the main return airway.

(2) The instruments required to be provided under this section shall be read at such intervals and by such persons as may be prescribed by general regulations, and the readings taken at the prescribed intervals shall be entered in a book to be kept at the mine for the purpose.

Wilful damage.

72. No person shall wilfully damage, or without proper authority remove or render useless, any apparatus appliance or thing provided in any mine in compliance with this Act.

Prohibition of inexperienced persons working alone as getters.

73. No person shall be allowed to work as a coal or ironstone getter otherwise than under the supervision of a skilled workman until he has had two years' experience of such work under such supervision, or unless he has been previously employed for two years in or about the face of the workings, nor shall a skilled workman have under his supervision at the same time more than one person who has not had such experience, or been so employed, as aforesaid.

Observance of directions.

74. Every person shall observe such directions with respect to working as may be given to him with a view to comply with this Part of this Act or the regulations of the mine or with a view to safety.

Penalties for non-compliance with provisions as to safety.

75. Any person who contravenes or does not comply with any of the provisions of this Part of this Act shall be guilty of an offence against this Act, and, in the event of any contravention of or non-compliance with any of the provisions of this Part of this Act by any person whomsoever, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing those provisions to prevent that contravention or non-compliance.

PART III.

PROVISIONS AS TO HEALTH.

Provision as to sanitary conveniences.

76. General regulations shall be made under this Act with respect to the provision and use of sanitary conveniences in mines, both above and below ground.

Provision of washing and drying accommodation.

77.—(1) Where a majority, ascertained by ballot of two-thirds of the workmen employed in any mine to whom this section applies, represent to the owner of the mine that they desire that accommodation and facilities for taking baths and drying clothes should be provided at the mine and undertake to pay half the cost of the maintenance of the accommodation and facilities to be provided, the owner shall forthwith provide sufficient and suitable accommodation and facilities for such purposes as aforesaid :

Provided that the owner shall not be bound to provide any such accommodation and facilities, if the estimated total cost of maintenance exceeds threepence per week for each workman liable to contribute under this section.

(2) General regulations shall be made under this Act for determining what are sufficient and suitable accommodation and facilities for the purposes of this section, and any such regulations may make different requirements as respects different classes or descriptions of mines.

(3) For the purposes of this section, cost of maintenance includes interest on capital expenditure (not exceeding five per cent. per annum), and if any question arises as to the estimated cost of maintenance that question shall, in accordance with regulations as to procedure and costs to be made by the Secretary of State, be referred to an arbitrator to be agreed upon between the parties, or, in default of agreement as to an arbitrator, to a person appointed by the judge of county courts for the district, or in Scotland by the sheriff of the county, in which the mine is situate, and the decision of the arbitrator or of the person so appointed, as the case may be, shall be final.

(4) Where any such accommodation and facilities have been provided, every workman at the mine to whom this section applies (whether he was or was not employed at the mine at the time when the ballot of the workmen for the purposes of this section was taken) shall be liable to contribute a sum equal to one-half of the cost of maintenance (but not exceeding three halfpence per man per week), and the owner shall be entitled to recover such contributions from the workmen liable to contribute by deduction from their wages, notwithstanding the provisions of any Acts relating to truck or any contract to the contrary:

Provided that the obligation to contribute shall not apply to any workman who is exempted on the ground of health in accordance with the regulations of the mine.

(5) The management of the accommodation and facilities provided under this section shall be under the control of a committee to be established in accordance with the regulations of the mine, and consisting as to one half of members appointed by the owner of the mine and as to the other half of members appointed by the workmen liable to contribute under this section. The powers and duties of the committee in relation to the management of the accommodation and facilities shall be such as may be laid down by general regulations, and the owner of the mine shall not be liable to any penalty as for failure to comply with the provisions of this section in respect of any act performed by the committee in pursuance of their powers or of any failure by the committee to perform any of their duties.

(6) The workmen to whom this section applies are all workmen employed underground, and all workmen engaged on the surface in handling tubs, screening, sorting, or washing coal, or loading coal into wagons.

(7) This section shall not apply to any mine where the total number of the workmen employed at the mine to whom this section applies is less than one hundred, or to any mine held by the owner under a lease of which the unexpired term is less

than ten years or to any mine as respects which the Secretary of State is satisfied that it will be worked out within ten years.

(8) If the owner of any mine fails to comply with the provisions of this section, he shall be guilty of an offence against this Act.

(9) Where a majority, ascertained by ballot of two-thirds of the workmen at a mine, represent to the owner of the mine that they desire that this section should cease to have effect as respects the mine, this section shall, unless the owner by notice affixed at the mine within one month after the receipt by him of the representation declares that he does not assent thereto, cease to have effect accordingly as from a date to be agreed upon between the owner and the workmen.

(10) A fresh representation shall not be made as respects any mine either under subsection (1) or under subsection (9) of this section before the expiration of five years from the date of any previous representation made with respect to that mine.

Use of sprays when drilling silicious rock.

78. A drill worked by mechanical power shall not be used for drilling in ganister hard sandstone or other highly silicious rock, the dust from which is liable to give rise to fibroid phthisis, unless a water jet or spray or other means equally efficient is used to prevent the escape of dust into the air, and, if any person contravenes or fails to comply with the provisions of this section, he shall be guilty of an offence against this Act, and, in the event of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to prevent the contravention or non-compliance.

Notification of industrial diseases.

79. Written notice of every case of any disease occurring in a mine and occasioned by the nature of the employment (being a disease specified in an order made by the Secretary of State for the purpose) shall forthwith be sent to the inspector of the division, and the provisions of this Act with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions:

Provided that a person shall not be liable to any penalty for failing to send notice under this section of any disease so specified, if he proves that he was not aware of the disease having occurred, and that he had taken all reasonable steps for having the occurrence of all such diseases brought to his notice.

PART IV.

PROVISIONS AS TO ACCIDENTS.

Notices of Accidents.

Notices of accidents.

80.—(1) Where, in or about any mine, whether above or below ground, any accident occurs which either—

(i) causes loss of life to any person employed in or about the mine; or

(ii) causes any fracture of the head or of any limb, or any dislocation of a limb, or any other serious personal injury to any person employed in or about the mine; or

(iii) is caused by any explosion of gas or coal dust or any explosive, or by electricity, or by overwinding, or by any other such special cause as the Secretary of State specifies by order, and causes any personal injury whatever to any person employed in or about the mine;

the owner, agent, or manager of the mine shall forthwith send notice in writing of the accident, and of any loss of life or personal injury caused thereby, to the inspector of the division, in such form and accompanied by such particulars as may be prescribed, and, in the case of an accident causing loss of life or serious personal injury, notice in such form and accompanied by such particulars as may be prescribed shall also be sent to the person (if any) nominated by the persons employed at the mine for the purpose of receiving notice under this section on their behalf.

(2) Where loss of life or serious personal injury has immediately resulted from an accident, the place where the accident occurred shall be left as it was immediately after the accident, until the expiration of at least three days after the sending of such notice as aforesaid of such accident, or until the visit of the place by an inspector, whichever first happens, unless compliance with this enactment would tend to increase or continue a danger or would impede the working of the mine.

(3) Where any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing of the death shall be sent to the inspector of the division on behalf of a Secretary of State within twenty-four hours after such death comes to the knowledge of the owner, agent, or manager.

(4) Every owner, agent, or manager who fails to act in compliance with this section shall be guilty of an offence against this Act.

Power to extend provisions as to notice of accidents to dangerous occurrences.

81.—(1) If the Secretary of State considers that, by reason of the risk of serious injury to persons employed, it is expedient that notice should be given under this Act in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant, or other occurrences at a mine, the Secretary of State may, by order, extend the provisions of this Act requiring notice of accidents to be given to an inspector to any such class of occurrences, whether personal injury or disablement is caused or not, and, where any such order is made, the provisions of this Act shall have effect as extended by the order.

(2) The Secretary of State may, by any such order, allow the required notice of any occurrence to which the order relates,

instead of being sent forthwith, to be sent within the time limited by the order.

Reports, Investigations, and Inquests.

Special reports of inspectors.

82. Where at any mine an accident has caused loss of life or personal injury to any person, the Secretary of State may, at any time, direct an inspector to make a special report with respect to the accident, and the Secretary of State may cause any such report to be made public at such time and in such manner as he may think fit.

Formal investigation when directed by Secretary of State.

83.—(1) Where it appears to the Secretary of State that a formal investigation of any accident and of its causes and circumstances is expedient, the Secretary of State may direct such investigation to be held, and with respect to any such investigation the following provisions shall have effect:—

(*a*) The Secretary of State may appoint a competent person to hold the investigation, and may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the investigation:

(*b*) The person or persons so appointed (herein-after called the court) shall hold the investigation in open court, in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident, and enabling the court to make the report in this section mentioned:

(*c*) The court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences against this Act, and all the powers of an inspector under this Act, and in addition the following powers:—

(i) power by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose; and

(ii) power to require the production of all books, papers, and documents which the court considers important for the purposes of the inquiry:

(*d*) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record; and, in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of the Supreme Court, who on request, signed by the court, shall ascertain and certify the proper amount of the expenses:

(*e*) The court shall make a report to the Secretary of State, stating the causes and circumstances of the accident,

and adding any observations which the court thinks right to make, and the Secretary of State shall cause that report to be laid in full before both Houses of Parliament:

(*f*) All expenses incurred in and about an investigation under this section (including the remuneration of any person appointed to act as assessor) shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act.

(2) If any person without reasonable excuse (proof whereof shall lie on him) fails to comply with any summons or requisition of the court, or impedes the court in the execution of its duty, he shall be guilty of an offence against this Act, and a person who is guilty of any such offence shall, in addition to any other fine to which he is liable under this Act, be liable to a fine not exceeding one pound for every day during which the offence continues.

Provisions as to coroners' inquests on deaths from accidents in mines.

84.—(1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident of which notice is required by this Act to be given to the inspector of the division, the coroner shall adjourn the inquest, unless an inspector, or some person on behalf of the Secretary of State, is present to watch the proceedings.

(2) The coroner, at least four days before holding the adjourned inquest, shall send to the inspector of the division notice in writing of the time and place of holding the adjourned inquest.

(3) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.

(4) If an accident has not occasioned the death of more than one person, and the coroner has sent to the inspector of the division notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the same, it shall not be imperative on him to adjourn the inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn.

(5) An inspector shall be at liberty at any such inquest to examine any witness, subject nevertheless to the power of the coroner to disallow any question which, in his opinion, is not relevant or is otherwise not a proper question.

(6) Where evidence is given at an inquest at which an inspector is not present of any neglect as having caused or contributed to the accident, or of any defect in or about the mine appearing to the coroner or jury to require a remedy, the coroner shall send to the inspector of the division notice in writing of such neglect or defect.

(7) Any person having a personal interest in or employed in or about or in the management of the mine in or about which the accident occurred shall not be qualified to serve on the jury empannelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury.

(8) Any relative of any person whose death may have been caused by the accident with respect to which the inquest is being held, and the owner, agent, or manager of, or the fireman, deputy, or examiner of the district in, the mine in which the accident occurred, and any person appointed by the order in writing of the majority of the workmen employed at the said mine, and any person appointed in writing by any association of workmen to which the deceased at the time of his death belonged, or by any association of employers of which the owner is a member, or by any association to which any official of or workman employed in the mine belongs, shall be at liberty to attend and examine any witness, either in person or by his counsel, solicitor, or agent, subject nevertheless to the power of the coroner to disallow any question which, in his opinion, is not relevant or is otherwise not a proper question.

(9) Every person who fails to comply with the provisions of this section shall be guilty of an offence against this Act.

Rescue and Ambulances.

Rescue work and ambulances.

85. General regulations made under this Act may require provision to be made at all mines or any class of mines in regard to all or any of the following matters:—

(*a*) Supply and maintenance of appliances for use in rescue work and formation and training of rescue brigades;

(*b*) Supply and maintenance of ambulance appliances and the training of men in ambulance work.

Part V.

Regulations.

General and Special Regulations.

General regulations.

86.—(1) The Secretary of State may by order make such general regulations for the conduct and guidance of the persons acting in the management of mines or employed in or about mines as may appear best calculated to prevent dangerous accidents and to provide for the safety, health, convenience, and proper discipline of the persons employed in or about mines, and for the care and treatment of horses and other animals used therein, and any such regulations may vary or amend any of the provisions contained in Part II. of, or the Third Schedule to, this Act.

(2) The regulations made under any such order may apply either to all mines or to any specified class or description of mines, and may provide for the exemption of any specified class or description of mines either absolutely or subject to conditions.

(3) The provisions contained in Part I. of the Second Schedule to this Act shall have effect with respect to the procedure for making orders under this section.

(4) An order made under this section shall be laid as soon as possible before both Houses of Parliament, and shall have effect as if enacted in this Act.

(5) An order made under this section may be revoked, altered, or added to by an order made in like manner and subject to the same provisions as the original order.

Special regulations.

87.—(1) Where the inspector of the division, or the owner of, or a majority ascertained by ballot of the workmen employed in, any mine is of opinion that the general regulations for the time being in force with respect to the mine ought in their application to that mine to be supplemented or modified, the inspector or the owner or such majority of workmen may transmit for the approval of the Secretary of State special regulations for the mine.

(2) The provisions set out in Part II. of the Second Schedule to this Act shall have effect with respect to the procedure for obtaining the approval of the Secretary of State.

(3) When special regulations have been approved by the Secretary of State, they shall, as respects that mine, have effect until revoked as if they formed part of the general regulations applicable to the mine.

(4) Where any special regulations are in force with respect to any mine they may be revoked, altered or added to at the instance of the inspector of the division, or of the owner of, or a majority of workmen employed in, the mine in like manner and subject to the same provisions as the original special regulations.

Publication of Abstract of Act and of Regulations.

Publication of abstract of Act and copy of special rules.

88.—(1) For the purpose of making known the provisions of this Act and the regulations of the mine to all persons employed in and about a mine, the prescribed abstract of this Act and a correct copy of all the regulations of the mine shall be published as follows :—

(*a*) The owner, agent, or manager of the mine shall cause a copy of the abstract and a copy of the regulations, with the name of the mine and the name and address of the inspector of the division, and the name of the owner or agent and of the manager, appended thereto, to be posted up in some conspicuous place at or

near the mine, where they may be conveniently read or seen by the persons employed; and so often as the same become defaced, obliterated, or destroyed, shall cause them to be renewed with all reasonable despatch:

(*b*) The owner, agent, or manager shall supply gratis to each person employed in or about the mine at the commencement of his employment, and on each occasion when a new abstract is issued or new regulations made, a book containing so much of the abstract and so much of the regulations as the Secretary of State may prescribe as being the parts of the abstract and regulations for the time being in force affecting persons of the class to which the person belongs, and shall also supply, at a price not exceeding one penny, to any such person who applies therefor at the office at which the persons immediately employed by the owner, agent, or manager are paid, a copy of such book:

(*c*) Every copy of the regulations shall be kept distinct from any regulations which depend only on the contract between the employer and employed.

(2) In the event of any non-compliance with the provisions of this section by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act unless he proves that he had taken all reasonable means, by enforcing to the best of his power the observance of this section, to prevent such non-compliance.

Regulations applicable to mines.

89.—(1) The general regulations applicable to a mine, as supplemented or modified by the special regulations, if any, for the time being in force with respect to the mine shall be the regulations of the mine.

(2) An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any regulations which for the time being are in force in any mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) that those regulations are the regulations of the mine and of the fact that they are duly made under this Act.

Penalty for breach of regulations.

90. If any person who is bound to observe the regulations of any mine, acts in contravention of or fails to comply with any of them, he shall be guilty of an offence against this Act, and also the owner, agent, and manager of such mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing the regulations, to prevent such contravention or non-compliance.

PART VI.

EMPLOYMENT.

Employment of Boys, Girls, and Women.

Prohibition against employment of boys, girls, and women below ground.

91. No boy under the age of fourteen years, and no girl or woman of any age, shall be employed in or allowed to be for the purpose of employment in any mine below ground. Nothing in this section shall apply to any boy who has been lawfully employed in any mine below ground before the passing of this Act.

Employment of boys, girls, and women above ground.

92. With respect to boys, girls, and women employed above ground, in connexion with any mine, the following provisions shall have effect:—

(1) No boy or girl under the age of thirteen years shall be so employed, unless lawfully so employed before the passing of this Act:

(2) No boy or girl of or above the age of thirteen years and no woman shall be so employed for more than fifty-four hours in any one week or more than ten hours in any one day:

(3) No boy, girl, or woman shall be so employed between the hours of nine at night and five on the following morning, nor on Sunday, nor after two o'clock on Saturday afternoon:

(4) There shall be allowed an interval of not less than twelve hours between the termination of employment on one day, and the commencement of the next employment:

(5) A week shall be deemed to begin at midnight on Saturday night and to end at midnight on the succeeding Saturday night:

(6) No boy, girl, or woman shall be employed continuously for more than five hours, without an interval of at least half an hour for a meal, nor for more than eight hours on any one day, without an interval or intervals for meals amounting altogether to not less than one hour and a half:

(7) No boy, girl, or woman shall be employed in moving railway waggons, or in lifting, carrying, or moving any thing so heavy as to be likely to cause injury to the boy, girl, or woman.

Notice fixing hours of employment.

93.—(1) The manager of every mine shall fix within the limits allowed by the foregoing section, and shall specify in a notice in the prescribed form, which must be affixed at the mine—

(*a*) the period of employment; and

(*b*) the times allowed for meals;

and no boy, girl, or woman shall be employed in connexion with any mine except during the period so fixed, but a different period and different times may be fixed for different persons and for different days.

(2) A change in the said period or times shall not be made oftener than once a quarter unless for special cause allowed in writing by an inspector:

Provided that provision may be made by general regulations for allowing a different time to be substituted in case of any special emergency for the time for any meal fixed under this section.

Register of boys, girls, and women employed.

94.—(1) The owner, agent, or manager of every mine shall keep in the office at the mine a register, and shall cause to be entered in that register, in such form as the Secretary of State may from time to time prescribe, the name, age, residence, and date of first employment of all boys employed in the mine below ground, and of all boys, girls, and women employed above ground in connexion with the mine; and shall, on request, produce the register to any inspector, and to any officer of the local education authority for the area in which the mine is situate, at all reasonable times, and shall allow any such inspector or officer to inspect and copy the same.

(2) The immediate employer of every boy, other than the owner, agent, or manager of the mine, before he causes the boy to be below ground in any mine, shall report to the manager of the mine, or to some person appointed by that manager, that he is about to employ the boy in the mine.

Penalty for employment of persons in contravention of Act.

95. If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, any provision of this Act with respect to the employment of boys, girls, or women, or to the register of boys, girls, and women, or to reporting the intended employment of boys, he shall be guilty of an offence against this Act; and, in the event of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing the provisions of this Act, to prevent the contravention or non-compliance.

Wages.

Prohibition of payment of wages in licensed premises, and provision as to weekly payment of wages. 10 Edw. 7. & 1 Geo. 5. c. 24.

96.—(1) No wages shall be paid to any person employed in or about any mine at or within any licensed premises as defined by the Licensing (Consolidation) Act, 1910, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto, or occupied therewith.

(2) The wages of all persons employed in or about any mine shall be paid weekly, if a majority of such persons so desire, and there shall be delivered to each such person a statement

containing detailed particulars of how the amount paid to him is arrived at.

(3) Every person who contravenes or fails to comply with or permits any person to contravene or fail to comply with this section shall be guilty of an offence against this Act; and, in the event of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this section to prevent the contravention or non-compliance.

PART VII.

INSPECTORS.

Appointment of Inspectors.

Appointment of inspectors of mines

97.—(1) The Secretary of State may appoint any fit persons to be inspectors (under whatever title he may from time to time fix) of mines, and assign them their duties, and may award them such salaries as the Treasury may approve and may appoint a chief inspector with an office in London, and may remove any such inspector: Provided always that, in the appointment of inspectors of mines in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

(2) Notice of the appointment of every such inspector shall be published in the London Gazette.

(3) Every such inspector is referred to in this Act as an inspector, and the inspector of a division means the inspector who is for the time being assigned to the division district or portion of the United Kingdom with reference to which the term is used.

(4) Any person who practises, or acts, or is a partner of any person who practises or acts as a land agent, or mining engineer, or as a manager, viewer, agent, or valuer of mines, or arbitrator in any difference arising between owners, agents, or managers of mines, or is a miners' agent or a mine owner (whether the mine is one to which this Act applies or not), shall not act as an inspector of mines under this Act, and no inspector shall be a partner or have any interest, direct or indirect, in any mine in the United Kingdom whether the mine is one to which this Act applies or not.

Powers and Duties of Inspectors.

Powers of inspectors.

98.—(1) An inspector under this Act shall have power to do all or any of the following things; namely,

(i) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act

relating to matters above ground or below ground are complied with in the case of any mine :

(ii) to enter, inspect, and examine any mine, and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct the working of the mine :

(iii) to examine into and make inquiry respecting the state and condition of any mine, or any part thereof, and the ventilation of the mine, and the sufficiency of the regulations for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto, or the care and treatment of the horses and other animals used in the mine, and may take with him for the last-mentioned purpose a duly qualified veterinary surgeon :

(iv) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) The owner of every mine, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry or the exercise of his powers under this Act in relation to that mine.

(3) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this Act, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act.

(4) Every person who obstructs any inspector in the execution of his duty under this Act shall be guilty of an offence against this Act.

Notice by inspector of causes of danger not expressly provided against.

99.—(1) If in any respect (which is not provided against by any express provision of this Act, or by any regulation) any inspector finds any mine, or any part thereof, or any matter, thing, or practice in or connected with any mine, or with the control, management, or direction thereof by the owner, agent, or manager to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, he may give notice in writing thereof to the owner, agent, or manager of the mine, and shall state in the notice the particulars in which he considers the mine or any part thereof, or any matter, thing, or practice, to be dangerous or defective, and require the same to be remedied or, if the same cannot be remedied, require the men to be withdrawn from the mine or part; and unless the same be forthwith remedied or the men withdrawn he shall also report the same to the Secretary of State.

(2) If the owner, agent, or manager of the mine objects to remedy the matter complained of in the notice or to withdraw the men he may, within seven days after receipt of the notice, send his objection in writing, stating the grounds thereof, to the Secretary of State; and thereupon the matter shall be determined in manner provided by this Act for settling disputes.

(3) If the owner, agent, or manager fails, when no objection is sent as aforesaid, to comply with the requisition of the notice within seven days after the expiration of the time for objection, or when there has been a reference to a referee to comply with the award within the time fixed by the award, he shall be guilty of an offence against this Act, and the notice and award shall respectively be deemed to be written notice of the offence:

Provided that the court, if satisfied that the owner, agent, or manager has taken active measures for complying with the notice or award, but has not, with reasonable diligence, been able to complete the works, may adjourn any proceedings taken before them for punishing the offence, and, if the works are completed within a reasonable time, no penalty shall be inflicted.

(4) No person shall be precluded by any agreement from doing, or be liable to any injunction, damages, penalty or forfeiture in respect of, such acts as may be necessary in order to comply with the provisions of this section.

Annual reports of inspectors.

100. Every inspector of a division under this Act shall make an annual report of his proceedings during the preceding year to the Secretary of State, which report shall be laid before both Houses of Parliament; and the chief inspector shall make to the Secretary of State an annual report of the proceedings under this Act during the preceding year, and the report of the chief inspector shall be laid before both Houses of Parliament.

PART VIII.

SUPPLEMENTAL.

Legal Proceedings.

Penalty for offences against Act.

101.—(1) Every person employed in or about a mine, other than an owner, agent, or manager, who is guilty of any act or omission which in the case of an owner, agent, or manager would be an offence against this Act, shall be deemed to be guilty of an offence against this Act.

(2) If a mine is not managed in conformity with this Act, the owner, agent, and manager thereof shall each be deemed to be guilty of an offence against this Act.

(3) Every person who is guilty of an offence against this Act for which a penalty is not expressly provided, shall be

liable to a fine not exceeding, if he is an owner, agent, or manager, or under-manager, twenty pounds, and, if he is any other person, five pounds, for each offence; and, if an inspector has given written notice of any such offence, to a further fine not exceeding one pound for every day after such notice that such offence continues to be committed.

(4) Where a person is guilty of any offence against this Act which, in the opinion of the court that tries the case, is one which was likely to endanger the safety of the persons employed in or about the mine, or to cause serious personal injury to any of such persons, or to cause a dangerous accident, and was committed wilfully by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the court is of opinion that a fine will not meet the circumstances of the case, to imprisonment, with or without hard labour, for a period not exceeding three months.

Prosecutions of owners, agents, managers, &c.

102.—(1) Where proceedings are taken under this Act against the owner or agent of a mine in respect of an offence under this Act for which the owner, agent, or manager or each of them is liable under this Act, the owner or agent shall not be liable to any penalty if he proves to the satisfaction of the court—

(*a*) that he was not in the habit of taking and did not in respect of the matters in question take any part in the management of the mine; and

(*b*) that he had made all the financial and other provision necessary to enable the manager to carry out his duties; and

(*c*) that the offence was committed without his knowledge, consent, or connivance.

(2) Save as above provided, it shall not be a defence in any proceedings brought against the owner or agent of a mine under this Act in respect of such an offence as aforesaid that a manager of the mine has been appointed in accordance with this Act.

(3) Nothing in this Act shall render the owner, agent, or manager of a mine liable to a penalty in respect of any contravention of or non-compliance with the provisions of this Act, if he proves that the contravention or non-compliance was due to causes over which he had no control and against the happening of which it was impracticable for him to make provision.

(4) Nothing in this section shall be construed as preventing proceedings being instituted, in the first instance, against the manager for any offence for which the manager of the mine is liable under this Act.

(5) No prosecution shall be instituted against the owner, agent, manager, or under-manager of a mine for any offence under this Act, not committed personally by such owner, agent,

manager, or under-manager, which can be prosecuted before a court of summary jurisdiction, except by an inspector or with the consent in writing of the Secretary of State; and in the case of any offence of which the owner, agent, manager, or under-manager of a mine is not guilty if he proves that he had taken all reasonable means to prevent the commission thereof, an inspector shall not institute any prosecution against such owner, agent, manager, or under-manager, if satisfied that he had taken such reasonable means as aforesaid.

(6) A prosecution shall not be instituted against a coroner for any offence under this Act except with the consent in writing of the Secretary of State.

(7) If a boy or girl was employed on the representation of his or her parent or guardian that he or she was of an age at which his or her employment would not be in contravention of this Act, and under the belief in good faith that he or she was of that age, or if a person has been employed in any capacity or in any manner on his representation that he fulfilled the conditions as to age, experience, and otherwise necessary for such employment, and under the belief in good faith that such representation was true, the owner, agent, or manager of the mine and employer shall be exempted from any penalty, and the parent or guardian or the person making such representation, as the case may be, shall, in respect of the misrepresentation, be guilty of an offence against this Act.

(8) The owner of a mine shall not be liable to an action for damages as for breach of statutory duty in respect of any contravention of or non-compliance with any of the provisions of this Act if it is shown that it was not reasonably practicable to avoid or prevent the breach.

Summary proceedings for offences, fines, &c.

103.—(1) All offences under this Act not declared to be misdemeanours, and all fines under this Act, and all money and costs by this Act directed to be recovered as fines, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts:

Provided that—

(i) It shall be sufficient to allege that the mine is a mine within the meaning of this Act, without more:

(ii) The court shall, if required by either party, cause minutes of the evidence to be taken and preserved.

(2) Where proceedings are taken before a court of summary jurisdiction in respect of an offence against this Act alleged to have been committed in or with reference to a mine, a person who is the owner, agent, or manager of any mine, or a person employed in a mine, or the father, son, or brother, or father-in-law, son-in-law, or brother-in-law, of such owner, agent, manager, or person, or who is an officer of any association of persons so employed, or who is a check-weigher appointed under the Coal Mines Regulation Acts, 1887 to 1905, or who is a director of

a company which is the owner of a mine, shall not, except with the consent of both parties to the case, act as a member of the court.

Appeal to quarter sessions.

104. If any person feels aggrieved by any summary conviction under this Act by which imprisonment or a fine amounting to or exceeding one half the maximum fine, is adjudged, he may appeal therefrom to quarter sessions.

Application of fines.

105.—(1) Where a fine is imposed under this Act for neglecting to send a notice of any accident or for any offence against this Act which has occasioned loss of life or personal injury, the Secretary of State may (if he thinks fit) direct such fine to be paid to or distributed among the persons injured, and the relatives of any persons whose death may have been occasioned by the accident or offence, or among some of them:

Provided that—

(i) Such persons did not, in his opinion, occasion or contribute to occasion the accident, and did not commit and were not parties to committing the offence:

(ii) The fact of the payment or distribution shall not, in any way, affect or be receivable as evidence in any legal proceeding relative to or consequential on the accident or offence.

(2) Save as aforesaid—

All fines recovered in England or Scotland under this Act shall be paid into the Exchequer;

All fines recovered in Ireland under this Act shall be applied in manner directed by the Fines Act (Ireland), 1851, and any Act amending the same. 14 & 15 Vict. c. 90.

Report of result of proceedings against workmen.

106. Where the owner, agent, or manager of a mine has taken proceedings under this Act against any person employed in or about a mine in respect of an offence against this Act, he shall, within twenty-one days after the hearing of the case, report the result thereof to the inspector of the division.

Power to prohibit working of mine in which there is a contravention of the provisions of Part II.

107.—(1) The High Court, whether any other proceedings have or have not been taken, may, on the application of the Attorney-General, prohibit by injunction the working of any mine or any part of a mine in which there is such a contravention or non-compliance with the provisions of this Act, or the general regulations made thereunder, as appears to the Court calculated to endanger the safety of persons employed in the mine or part, and may award such costs in the matter as the Court think just, but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

(2) Written notice of the intention to apply for such injunction in respect of any mine or part of a mine shall be given to the owner, agent, or manager of the mine not less than ten days before the application is made.

Prohibition of use of dangerous machinery.

108. A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any part of the machinery or plant used in a mine (including a steam boiler used for generating steam) is in such a condition or so placed that it cannot be used without danger to life or limb, prohibit its use, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered.

Miscellaneous.

Protection of animals in mines.

109.—(1) The regulations contained in the Third Schedule to this Act (which relate to the care and treatment of horses and other animals in mines) shall be observed in every mine.

(2) Any person who acts in contravention of or fails to comply with any of those regulations shall be guilty of an offence against this Act, and, in the event of any contravention of or non-compliance with any of those regulations by any person whomsoever, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act unless he proves that he has taken all reasonable means, by publishing and to the best of his power enforcing those regulations, to prevent that contravention or non-compliance.

(3) The Secretary of State shall appoint fit persons to be special inspectors for the purpose of examining into the care and treatment of the horses and other animals used in mines, and of enforcing the provisions of this Act relating to horses and other animals, and any person appointed as a special inspector under this provision shall so far as necessary for the exercise of his powers and the performance of his duties as such inspector have the same powers as are given to and be subject to the same obligations and restrictions as inspectors of mines under the foregoing provisions of this Act, and the provisions of this Act relating to the obstruction of inspectors shall apply as if references to inspectors included references to special inspectors.

Application of Workmen's Compensation Act in case of men being trained for or engaged in rescue work.

110.—(1) Where provision has been made in pursuance of regulations under this Act, or under any order which has effect as if made under this Act, for the formation or training of a rescue brigade, any accident caused to a workman employed in or about a mine who is with the consent of his employer being trained as a member of the rescue brigade, and arising out of and in the course of his training, shall, for the purposes of the 6 Edw. 7. c. 58. Workmen's Compensation Act, 1906, be deemed to arise out of and in the course of his employment in the mine.

(2) Any workmen engaged in any rescue work or ambulance work at a mine shall, for the purposes of the Workmen's Compensation Act, 1906, be deemed while so engaged to be employed by the owner of the mine.

Application of certain provisions to railway sidings. 63 & 64 Vict. c. 27.

111.—(1) Where any line or siding, not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900, is used in connexion with a mine the provisions of this Act with respect to—

(*a*) returns and notification of accidents; and

(*b*) general and special regulations;

shall have effect as if the line or siding were part of the mine, but, as respects such returns and notification of accidents, shall apply only in the case of accidents to persons employed by or on behalf of the owner of the mine.

(2) If any such line or siding is used in connexion with more than one mine belonging to different owners, the foregoing provisions shall have effect as if the line or siding were a separate mine.

Payment of salaries and expenses.

112. The salary and remuneration of inspectors and examiners under this Act and all other expenses incurred by the Secretary of State in the execution of this Act, to such an amount as may be sanctioned by the Treasury, shall be defrayed out of moneys provided by Parliament.

Power of Secretary of State to determine questions. 35 & 36 Vict. c. 77. 38 & 39 Vict. c. 39.

113. If any question arises (otherwise than in legal proceedings) whether a mine is a mine to which this Act or the Metalliferous Mines Regulation Acts, 1872 and 1875, apply, the question shall be referred to the Secretary of State, whose decision thereon shall be final.

Powers of Secretary of State as to making and revoking orders.

114. Any order of, or any exemption granted by, the Secretary of State under this Act may be from time to time revoked or altered by the Secretary of State, either unconditionally or subject to such conditions as he may see fit, and shall be signed by the Secretary of State or an under-secretary or assistant under-secretary.

Power of Secretary of State to purchase land.

115.—(1) The Secretary of State may purchase and hold land (including any easements in or over land) in the United Kingdom for the purpose of any experiments or tests which he may think it desirable to carry out in connexion with matters relating to the safety or health of persons employed in or about mines.

(2) For the purpose of the purchase of land under this section, sections two and twenty of the Military Lands Act, 1892, as amended by the Military Lands Act, 1900, shall apply as they apply for the purpose of the purchase of land by the Secretary of State under that Act as so amended. 55 & 56 Vict. c. 43. 63 & 64 Vict. c. 56.

Manner of settling disputes.

116. Any matter which under this Act is to be settled in manner provided by this Act for settling disputes shall be referred to such one of the panel of referees appointed under this Act as may be selected in manner provided by rules made for the purpose, and the decision of the referee shall be final:

Provided that no such matter shall be so referred, unless the party making the objection or refusing compliance has served notice on the other party within the prescribed time and in the prescribed manner, and all objections not made within such time and in such manner shall be disregarded.

Appointment of referees

117.—(1) Such number of persons as may be appointed by the reference committee herein-after mentioned shall form a panel of persons to act as referees for the purposes of this Act.

(2) The reference committee may make rules as to the mode in which the referee in any particular case is to be selected, the procedure before a referee, and the cost of the proceedings before a referee (including the remuneration of the referee).

(3) The reference committee shall consist of the Lord Chief Justice of England, the Lord President of the Court of Session and such person specially qualified by eminence in mining knowledge as the Lord Chief Justice and the Lord President may select.

Procedure for ascertaining views of workmen.

118. The Secretary of State may make rules prescribing the procedure to be observed for ascertaining and certifying the views of the workmen, or any part of the workmen, in any mine, or any class of mines, in any case where those views are required to be ascertained for any of the purposes of this Act.

Provisions as to exemptions granted by inspectors.

119. Any exemption granted by the inspector of a division under this Act shall be in writing and signed by him. Any such exemption may—

(*a*) be granted either absolutely or subject to such restrictions and conditions as the inspector thinks fit to impose;

(*b*) be revoked at any time by the inspector of the division for the time being.

Service of notices.

120. All notices under this Act shall be in writing and all notices and documents required by this Act to be served or sent by or to an inspector may be either delivered personally, or served and sent by post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

Pulling down or defacing notices.

121. Every person who pulls down, injures, or defaces any abstract, notice, summary, proposed regulations, or regulations, when posted up in pursuance of the provisions of this Act, or any notice posted up in pursuance of the regulations of the mine, shall be guilty of an offence against this Act.

Interpretation.

122. In this Act, unless the context otherwise requires,—

"Mine" includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways, and sidings, both below ground and above

ground, in and adjacent to and belonging to the mine, but does not include any part of such premises on which any manufacturing process is carried on other than a process ancillary to the getting, dressing or preparation for sale of minerals:

"Main airway" means an airway commencing from, or terminating at, a shaft or outlet to the surface, or any airway from which a split is taken to ventilate any district of the mine, or into which a split so taken returns:

"Ventilating district" means any part of a seam having an independent intake airway commencing from a main intake airway and an independent return airway terminating at a main return airway:

"Office at the mine" means an office on the surface of the mine:

"Small mine" means a mine in which the total number of persons employed below ground does not exceed thirty:

"Owner," when used in relation to any mine, means any person or body corporate who is the immediate proprietor or lessee, or occupier of any mine, or of any part thereof, and in the case of a mine the business whereof is carried on by a liquidator or receiver includes such liquidator or receiver, but does not include a person or body corporate who merely receives a royalty, rent, or fine from a mine, or is merely the proprietor of a mine subject to any lease, grant, or licence for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine; but any contractor for the working of any mine, or any part thereof, shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability:

"Agent," when used in relation to any mine, means any person appointed or acting as the representative of the owner in respect of any mine, or of any part thereof, and as such superior to a manager appointed in pursuance of this Act:

"Prescribed" means prescribed by the Secretary of State:

"Boy" means a male under the age of sixteen years:

"Girl" means a female under the age of sixteen years:

"Woman" means a female of the age of sixteen years or upwards.

Saving for existing managers, firemen, and owners and agents.

123. Nothing in this Act shall—

(*a*) prevent any person who is less than twenty-five years of age from acting as manager of a mine if he was lawfully so acting at the date of the passing of this Act; or

(*b*) prevent any person acting as a fireman, examiner, or deputy, notwithstanding that he—

(i) neither is the holder of a first or second-class certificate of competency under this Act, nor is twenty-five years of age or upwards and has had at least five years' practical experience underground in a mine; or

(ii) has not obtained a certificate of his ability to measure the quantity of air in an air current,

if he was employed as a fireman, examiner, or deputy at the date of the passing of this Act;

(*c*) prevent any owner or agent of a mine taking part in the technical management of the mine, notwithstanding that he is not qualified under this Act to be a manager, if he was taking part in the technical management of the mine at the time of the passing of this Act.

Application to Scotland.

124. This Act shall apply to Scotland subject to the following modifications :—

(1) "Attorney-General" means Lord Advocate; "information" means complaint; "summons" means citation; "High Court" means Court of Session; "injunction" means interdict; "county court" means sheriff court; "local education authority" means school board; "licensed premises as defined by the Licensing (Consolidation) Act, 1910," means certificated premises within the meaning of the Licensing (Scotland) Act, 1903; "section ninety-one of the Public Health Act, 1875," means section sixteen of the Public Health (Scotland) Act, 1897; "receiver" includes a trustee in bankruptcy; "attending on subpœna before a court of record" means attending on citation the High Court of Justiciary, and any reference to a Court of Record shall be construed accordingly; "master of the Supreme Court" means auditor of the sheriff court; "county court judge" means sheriff; "London Gazette" means "Edinburgh Gazette":

3 Edw. 7. c. 25.

60 & 61 Vict. c. 38.

(2) The provision relating to an appeal to quarter sessions shall not apply.

Application to Ireland.

125. This Act shall apply to Ireland subject to the following modifications :—

(1) In hearing and determining a charge under this Act, a court of summary jurisdiction elsewhere than in the Dublin metropolitan police district shall be constituted of two or more justices of the peace or of a resident magistrate, with or without other justices,

sitting in petty sessions; and a resident magistrate means a magistrate appointed pursuant to the Constabulary (Ireland) Act, 1836: 6 & 7 Will. 4. c. 36.

(2) Section one hundred and seven of the Public Health (Ireland) Act, 1878, shall be substituted for section ninety-one of the Public Health Act, 1875: 41 & 42 Vict. c. 52.

(3) "Police or stipendiary magistrate" means resident magistrate; "master of the Supreme Court" means a taxing master of the High Court of Justice in Ireland; "London Gazette" means Dublin Gazette; "Attorney-General" means Attorney-General for Ireland:

(4) The Licensing Act, 1872, shall be substituted for the Licensing (Consolidation) Act, 1910. 35 & 36 Vict. c. 94.

126. The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule: Repeal.

Provided that—

(*a*) Nothing in this repeal shall affect any order made by the Secretary of State or any certificate of competency or of service granted, or having effect as if granted, under any enactment repealed by this Act which is in force immediately before the commencement of this Act, but every such order and certificate shall have effect as if made or granted under this Act; and the register of holders of certificates, and the other registers which at the commencement of this Act are kept in pursuance of the Acts hereby repealed, shall be deemed to be registers or parts of registers kept in pursuance of this Act:

(*b*) Nothing in this repeal shall affect any special rules which at the commencement of this Act are in force under any Act hereby repealed in any mine, but such rules shall, until regulations affecting the mine and revoking such rules have been made under this Act, have effect as if they were the regulations of the mine under this Act:

(*c*) Nothing in this repeal shall affect the tenure of office of any inspector appointed under any enactment repealed by this Act:

(*d*) Any document referring to any Act repealed by this Act, or to any enactment thereof, shall be construed to refer to this Act, and to the corresponding enactments thereof:

(*e*) This Act shall apply to offences under such of the provisions of the Coal Mines Regulation Acts, 1887 to 1908, as are unrepealed by this Act in

like manner as if they were offences against this Act, and expressions in those provisions shall have the same meaning as in this Act.

Short title and commencement.

127.—(1) This Act may be cited as the Coal Mines Act, 1911.

(2) This Act shall, except as otherwise provided, come into operation on the first day of July nineteen hundred and twelve.

SCHEDULES.

Sections 18 and 22.

FIRST SCHEDULE.

FORM OF ANNUAL RETURN.

This Form must be correctly filled up by the Owner, Agent or Manager, and sent to the Inspector of the Division on or before 21st January, every year.

PART A.

Year ending 31st December, 19

Name of Mine _____

Situation of Mine _____

County _____

Postal Address of Mine _____

Name and Address of Owner _____

Name of Manager _____

No. of his Certificate _____

Name of Under-Manager _____

No. and Class of his Certificate _____

Part A.—*continued.*

RETURN of Persons ordinarily employed, the Quantity of Minerals gotten, and the Number of Days in each Month on which Coal or Ironstone has been drawn, during the Year 19 .

N.B.—The Return must comprise *all* persons ordinarily employed *on the mine premises* (including Officials, Storekeepers, Clerks, &c.).

Name or Number of Pit.	Underground.			Above Ground (Including Persons Employed on Sidings at the Pit, and those on Private Branch Railways and Tramways, and in Washing Coal on Premises adjacent to and belonging to the Mine).						Total Above Ground.	Gross Total of Persons Employed Underground and Above Ground in connexion with the Mine.
	Males.			Males.			Females.				
	Ages, 14 to 16.	Ages, Above 16.	Total Underground.	Ages, 13 to 14.	Ages, 14 to 16.	Ages, Above 16.	Ages, 13 to 14.	Ages. 14 to 16.	Ages, Above 16.		
Totals - -											

PART A.—*continued.*

RETURN of persons ordinarily employed, &c.—*continued.*

Name or Number of Pit.	Statute Tons of Minerals gotten.											Number of Days in each Month on which Coal or Ironstone has been drawn.												
	Coal,* including Small or Slack.		Fireclay.		Ironstone (Raw).		Oil Shale.		Other Minerals.			Total Tons.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November	December.	Total Days.
	Amount.	Value at the Pit Mouth.	Amount.	Value at the Pit Mouth.	Amount.	Value at the Pit Mouth.	Amount.	Value at the Pit Mouth.	Amount.	Value at the Pit Mouth.	Description.														
Totals																								

* The total Coal won, *including Coal used for Colliery consumption*, must be given.

PART B.

PARTICULARS OF VENTILATION.

Name of the Mine _____

Name or Number of Pit.	Name of Seam.	Mode of Ventilation, with Description.	Diameter or Dimensions and Depth of Downcast and Upcast Shafts.				Number of Splits and Quantity.		Average Total Quantity of Fresh Air per minute.
			Downcast.		Upcast.				
			Diameter or Dimensions in feet.	Depth in feet.	Diameter or Dimensions in feet.	Depth in feet.	Splits.	Quantity in cubic feet per minute.	Cubic feet.
							The information in these columns is to be obtained from the last measurements previous to the 31st December.		

PART C.

PARTICULARS of EXPLOSIVES, COAL-CUTTING MACHINES, CONVEYORS, and SAFETY LAMPS, *used* during the Year ended 31st December 19 .

I.—EXPLOSIVES.

NAME OF EXPLOSIVE.	Quantity used. (lbs.)	Estimated Number of Shots fired.			
		By Electricity.	By Fuse.	By Squibs.	TOTAL.

The number of miss-fire shots :—

1. With Electricity - - -
2. With Fuse - - - -
3. Otherwise - - - -

Total - - -

II.—COAL-CUTTING MACHINES AND CONVEYORS.

DESCRIPTION.	Number Driven by		Statute Tons Cut by				Number of Conveyors at Coal Face.
			Electricity.		Compressed Air.		
	Electricity.	Compressed Air.	Coal.	Other Mineral.	Coal.	Other Mineral.	
			Tons.	Description.	Tons.	Description.	

III.—SAFETY LAMPS.

Name and Description* of Lamp. (*No. of Gauzes and whether Shielded or not.)	No. in Use.	Method of Locking.				Kind of Illuminant.				
		Lead Rivet.	Magnetic.	Screw.	Other.	Colza or Colza and Petroleum.	Petroleum.	Volatile Spirit.	Electricity.	Other Illuminant.

State the method of lighting the lamps, *e.g.*, by electricity, internal igniters, or otherwise_____

PART D.

Type and Aggregate Horse-Power of Electrical Apparatus.

1. System of Supply (whether continuous current or alternating current) - - -	
Voltage of Supply - - -	
Periodicity (if alternating current) - - - -	
Source of Supply - - -	
2. Voltage at which current is used for—	
Lighting - - - -	
Power - - - -	
3. Aggregate H.P. of Motors installed on surface for—	
Winding - - - -	
Ventilation - - -	
Haulage - - - -	
Coal washing or screening	
Miscellaneous - - -	
Total H.P. - -	
4. Aggregate H.P. of Motors installed below ground for—	
Haulage - - - -	
Pumping - - -	
Portable Machinery - -	
Miscellaneous - - -	
Total H.P. - -	
5. Total H.P. (addition of 3 and 4)	

(Signed)_____Owner, Agent, or Manager.

Date_____

Sections 86 and 87.

SECOND SCHEDULE.

PART I.

PROCEDURE FOR MAKING GENERAL REGULATIONS.

(1) Before the Secretary of State makes an order he shall publish in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the order and of the place where copies of the draft order may be obtained, and of the time (which shall not be less than thirty days) within which any objections made with respect to the draft order by or on behalf of persons affected must be sent to the Secretary of State.

(2) Every objection must be in writing and state—

(*a*) the specific grounds of objection ;

(*b*) the omissions, additions, or modifications asked for.

(3) The Secretary of State shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft order, and the foregoing provisions shall apply to the amended draft in like manner as they apply to the original draft.

(4) If after the publication of the notice with respect to any such draft order (whether an original or amended draft), any general objection as herein-after defined is made within the required time with respect to the draft and not withdrawn, the order shall not be made by the Secretary of State until that objection has been referred to such one of the panel of referees appointed under this Act as may be selected in manner provided by the rules made for the purpose.

If on any such reference the referee considers that the draft order should be varied to meet the objection, he shall recommend any variation which he considers necessary or expedient, and effect shall be given to those recommendations in the order, if made.

(5) The reference committee may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors to the referee.

(6) If the Secretary of State considers that any objection, though not a general objection, is of such a character that it is desirable to refer it to a referee, he may so refer it, and in that case the foregoing provisions shall apply as in the case of a general objection.

(7) If any objection, though not a general objection, is made on behalf of the owners of mines of any particular class or mines in any separate area, and it is alleged in the objection that having regard to the special natural conditions or special methods of working in mines of that class or mines in that area the proposed regulations ought not to apply to those mines, the Secretary of State shall, unless he is of opinion that the objection is frivolous, refer it to a referee, and in that case the foregoing provisions shall apply as in the case of a general objection.

(8) For the purposes of this section a "general objection" means an objection made either by or on behalf of owners of mines employing not less than one-third of the total number of men employed at the mines affected by the proposed order, or, if the order contains different provisions for different classes of mines, of the total number of men employed in any such class of mines, or by or on behalf of not less than one-third of the total number of men so employed.

The number of men employed shall be calculated in accordance with the returns for the last preceding year sent by owners of mines to the inspectors in pursuance of the provisions of this Act.

PART II.

PROCEDURE IN CASE OF SPECIAL REGULATIONS SENT TO SECRETARY OF STATE FOR APPROVAL.

(1) Where any special regulations have been sent under this Act to the Secretary of State for approval he shall consider the regulations and either approve or disapprove the same.

Where the Secretary of State disapproves the special regulations, no further action shall be taken in the matter.

Before the Secretary of State approves the special regulations there shall be published, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations and of the place where copies of the draft regulations may be obtained and of the time (which shall not be less than thirty days) in which any objections with respect to the draft regulations made by or on behalf of persons affected must be sent to the Secretary of State.

(2) Every objection must be in writing and state—

(*a*) the specific grounds of objection ;

(*b*) the omissions, additions, or modifications asked for.

(3) The Secretary of State shall consider any objection made by or on behalf of persons appearing to him to be affected which is sent to him within the required time, and he may, before approving the special regulations, require such amendments to be made therein as he may think fit.

(4) If the owner or a majority of workmen who have sent any objection to any special regulations sent for approval feel aggrieved by the refusal of the Secretary of State to give effect to their objection ; the objection shall be referred to such one of the panel of referees appointed under this Act as may be selected in manner provided by the rules made for the purpose.

If, on any such reference, the referee considers that the regulations should be varied to meet the objection, he shall recommend any variation which he considers necessary or expedient, and the Secretary of State, before approving the regulations, shall require that variation to be made.

THIRD SCHEDULE.

Sections 86 and 109.

1. No horse shall be taken underground until it is four years old and until it has been tested by a duly qualified veterinary surgeon in the prescribed manner and certified to be free from glanders.

2. All horses underground shall, when not at work, be housed in properly constructed stables, and in stalls of adequate size.

3. All stables in use shall be separated from any road used for travelling or haulage of minerals, and shall be continuously and thoroughly ventilated with intake air, and cleaned daily and kept in a sanitary condition, and all roofs, walls, and partitions of any stables shall, unless painted or made of slate, tiles, glazed brick or iron, be limewashed at least once in every three months.

4. Competent persons, herein-after referred to as "horse-keepers," shall be appointed in writing by the manager to have the care of the horses used underground while in the stables, and of the stables, in the proportion of at least one horse-keeper to every fifteen horses.

5. A sufficient supply of wholesome food and pure water shall be provided daily for every horse while in the stable and while at work.

6. A sufficient supply of suitable medicines, ointments, and dressings, and a suitable appliance or appliances for the destruction of horses requiring to be destroyed, shall be provided and kept readily available for use.

7. No horse shall be worked, or allowed by the horse-keeper to go out to work, in an unfit condition, or improperly shod, or otherwise than with harness properly fitting and in good condition, including a guard for the eyes.

8. The driver having charge of any horse shall remain in charge of the horse during the whole time that it is at work in his shift, and, unless otherwise ordered, shall at the end of the shift return the horse to the horse-keeper at the stable.

9. No blind horse shall be worked in a mine.

10. The driver having charge of any horse shall at once report to the official under whose direction he works any injury to or overworking of the horse or any insufficiency in the supply of food or water, and any case in which the horse or harness rubs against the roof or sides, or in which the harness is defective.

11. The horse-keeper shall, as soon as practicable after the return of any horse to the stable, examine the horse and its harness, attend to any injury to the horse, and clean and groom it himself, or cause it to be cleaned and groomed.

12. Every official under whose direction the driver of any horse works and every horse-keeper shall at once report to the manager or under-manager any case of sickness in or injury to or any marks of ill-treatment on or any overworking of any horse coming to his notice, and any defect in the harness likely to cause pain or injury to the horse, and no horse with respect to which any such report is made shall be allowed to go out to work until authority in that behalf is given by the manager or under-manager.

13. Every horse-keeper shall keep a record in a book to be kept at the mine of all horses under his care, and shall make a daily report therein as to the condition of each horse, the driver in whose charge it has been, the time at which it was taken from the stables, and the time at which it was returned thereto.

14. Every book kept by a horse-keeper under the foregoing provisions of this schedule shall be open to inspection by any special inspector.

15. The manager shall, by himself or by some competent person appointed by him for the purpose, exercise such personal supervision over all horse-keepers, drivers, and other persons employed in connection with the horses used in the mine as is necessary to secure that the provisions of this Act relating to the care and treatment of horses in mines are observed in the mine.

16. The owner, agent, or manager shall, as part of the return required to be made annually to the inspector of the division, furnish a statement showing the number of horses used in the mine, the number which have died during the year from injury by accident or from disease, or which required to be destroyed in consequence of injury or disease, and the number of other cases of injury or ill-treatment reported to the manager under the provisions of this schedule.

17. In this schedule the expression "horse" includes pony, mule, and donkey.

FOURTH SCHEDULE.

Section 126.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
50 & 51 Vict. c. 58.	The Coal Mines Regulation Act, 1887.	The whole Act, except sections one, three, twelve, thirteen, fourteen, and fifteen.
59 & 60 Vict. c. 43.	The Coal Mines Regulation Act, 1896.	The whole Act.
63 & 64 Vict. c. 21.	The Mines (Prohibition of Child Labour Underground) Act, 1900.	The whole Act so far as it relates to mines to which this Act applies.
3 Edw. 7. c. 7.	The Coal Mines Regulation Act (1887) Amendment Act, 1903.	The whole Act.
6 Edw. 7. c. 53.	The Notice of Accidents Act, 1906.	Sections one, two, three, and five so far as they relate to mines to which this Act applies.
7 Edw. 7. c. 10.	The Employment of Women Act, 1907.	Section one, so far as it relates to the Coal Mines Regulation Act, 1887.
10 Edw. 7. & 1 Geo. 5 c. 15.	The Mines Accidents (Rescue and Aid) Act, 1910.	The whole Act so far as it relates to mines to which this Act applies.

CHAPTER 51.

An Act to amend the Burgh Police (Scotland) Acts so as to provide for the further Regulation of Places for Public Refreshment in Scotland. [16th December 1911.]

WHEREAS it is expedient to extend the provisions of the Burgh Police (Scotland) Act, 1903, regulating ice-cream and aerated-water shops to certain other places for public refreshment, and to make further provision for the regulation of such places: 3 Edw. 7. c. 33.

Be it therefore enacted by the King'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: