4. These regulations may be cited as the Coal Mines (Certificates of Competency) General Regulations, 1950, and shall come into operation on the fifteenth day after the date hereof.

Dated this ninth day of May, nineteen hundred and fifty.

Donald Fergusson,
Secretary to the
Ministry of Fuel and Power.

EXPLANATORY NOTE

(This note is not part of these regulations, but is intended to indicate their general purport.)

These regulations amend the Coal Mines Act, 1911, (which applies to mines of stratified ironstone, shale or fireclay as well as to mines of coal) by providing that there may be certificates of competency limited to mines of a specified class or description.

The Coal Mines (Mining Qualifications Board) General Regulations, 1950

1950 No. 77

Made - - - -	16*th January*, 1950
Laid before Parliament	20*th January*, 1950
Coming into Operation	15*th February*, 1950

The Minister of Fuel and Power in exercise of the powers conferred upon him by section eighty-six of the Coal Mines Act, 1911(a), (in these regulations referred to as "the Act") as amended by section nine of the Coal Industry Act, 1949(b), and of all other powers him enabling, hereby orders that the following regulations shall have effect:—

Constitution of Mining Qualifications Board

1. The Board for Mining Examinations shall consist of a chairman and seven other members appointed by the Minister of Fuel and Power, and shall be known as the Mining Qualifications Board, and shall have the powers and duties hereinafter specified; and accordingly for subsection (1) of section eight of the Act there shall be substituted the following subsection:—

"(1) For the purpose of ascertaining the fitness of applicants for certificates of competency under this Act, and of exercising and performing any other powers and duties conferred upon them by this Act or by regulations made hereunder, there shall be a Mining Qualifications Board consisting of a chairman and seven other members appointed by the Minister of Fuel and Power.

The members of the Board shall include persons appearing to the Minister to have experience respectively of mining, of education and of administration, but the Board shall have the power to act notwithstanding a vacancy among the members thereof.

(a) 1 & 2 Geo. 5. c. 50. (b) 12, 13 & 14 Geo. 6. c. 53.

The members of the Board shall be appointed on such conditions and for such term, not exceeding five years, as may be determined by the Minister, but any appointment may be terminated by the Minister at any time. A retiring member shall be eligible for re-appointment."

Functions of Mining Qualifications Board

2. For subsections (1) and (2) of section nine of the Act there shall be substituted the following subsections:—

"(1) Rules made by the Mining Qualifications Board with the approval of the Minister of Fuel and Power shall prescribe the qualifications to be possessed by applicants for certificates of competency under this Act and for any other certificates of qualifications required by this Act or by regulations made under this Act to be held by persons concerned with the management of mines or otherwise acting in or in connection with the carrying on of mining operations.

Such rules shall require an applicant for a certificate of competency—

(*a*) to have had such practical experience in mining (either wholly in the United Kingdom or partly in the United Kingdom and partly elsewhere) as may be specified in the rules, which experience shall be for a period of not less than five years, subject to such reduction in respect of any qualification or experience (including performance of national service) acquired by the applicant as the Board may determine having regard to any directions given to them by the Minister,

(*b*) to have attained such standard of general education as is specified in the rules, and to be of good character.

(2) Rules made by the Board with the approval of the Minister shall specify the methods by which applicants for certificates may satisfy the Board that they possess the qualifications required, which methods may include the possession of degrees or diplomas or other qualifications specified in the rules, attendance at courses of instruction so specified and the passing of examinations held by the Board. In relation to examinations held by the Board the rules shall provide for the nature of the examinations and the publication of the times and places at which they are held, and may provide for other matters relating thereto, including the ages at which applicants may take them."

Grant of certificates of competency

3.—(1) For subsection (1) of section ten of the Act there shall be substituted the following subsection:—

"(1) The Minister of Fuel and Power shall deliver to every applicant who is reported by the Mining Qualifications Board to have passed the examination satisfactorily or to possess degrees or diplomas or other qualifications exempting him therefrom such a certificate of competency as the case requires; so however that in the case of any such applicant—

(*a*) who shall not have attained the age of twenty-three years at the date when he is so reported; or

(*b*) who has not had such practical experience as is required by virtue of paragraph (*a*) of subsection (1) of section nine of this Act;

such delivery shall be postponed, and the applicant shall neither be qualified to hold nor be registered as the holder of such a certificate until he shall have attained that age and shall have had such experience."

(2) In subsection (4) of the said section ten for the words " person expressed to have passed the examination satisfactorily " there shall be substituted the word " holder ".

General

4. Notwithstanding the substitution by virtue of regulation two of the provisions therein specified for those of subsection (2) of section nine of the Act, rules made by the Board for Mining Examinations in force immediately before the commencement of these regulations shall continue to have effect as if they were made under the provisions so substituted subject to the substitution of references therein to the Mining Qualifications Board for references to the Board for Mining Examinations but without prejudice to the powers of varying or revoking those rules.

5. For references in the Coal Mines (Prescription of Qualifications of Surveyors) Order, 1942(a), to the Board for Mining Examinations there shall be substituted references to the Mining Qualifications Board.

6. The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

7. These regulations shall come into operation on the fifteenth day of February, nineteen hundred and fifty, and may be cited as the Coal Mines (Mining Qualifications Board) General Regulations, 1950.

Dated this sixteenth day of January, nineteen hundred and fifty.

Donald Fergusson,
Secretary to the Ministry of Fuel and Power.

EXPLANATORY NOTE

(This note is not part of these regulations, but is intended to indicate their general purport.)

1. These regulations amend the provisions of Part I of the Coal Mines Act, 1911, which relate to the constitution of the Board for Mining Examinations (section 8), to examinations for certificates of competency (section 9), and to the grant of certificates (section 10).

2. The Board for Mining Examinations is to be known as the Mining Qualifications Board and to consist of a chairman and seven other members appointed by the Minister of Fuel and Power. The members are to include persons with experience respectively of mining, of education and of administration.

3. The Mining Qualifications Board are to make rules approved by the Minister prescribing the qualifications required for certificates of competency and any other certificates required to be held in connection with the management of mines or the carrying on of mining operations, and the procedure for testing the qualifications of applicants for certificates.

(a) S.R. & O. 1942 (No. 1509) I, p. 64. (b) 52 & 53 Vict. c. 63.