6. The Court of Queen's Bench in Ireland may by their commission (in like manner as they now appoint commissioners of affidavits and special bail in the common law courts, Ireland,) appoint and empower as many persons as they shall think fit and necessary, such persons being attorneys of the said courts and practising and residing within ten miles of the Four Courts, Dublin, to be commissioners in and for the county of Dublin and the county of the city of Dublin, to administer oaths and take and receive all and every such affidavit and affidavits, declarations, or affirmations as any person or persons shall be willing or desirous to make before any person so empowered in or concerning any cause, matter, or thing depending or hereafter to be depending or anywise concerning any of the proceedings in the superior courts of common law in Ireland.

Power to Court of Queen's Bench in Ireland to appoint Commissioners to administer oaths within ten miles of Dublin.

7. The persons so appointed or empowered shall be styled "Dublin Commissioners to administer oaths in common law," and they shall have within the district for which they are appointed the same powers and be entitled to the same fees as Commissioners appointed for any other part of Ireland, subject in all respects to such rules and regulations as the said courts, or any of them, may make in that behalf; and all affidavits, affirmations, or declarations made before any such Commissioner shall have in all respects and in all proceedings, civil and criminal, the same force and effect as if same had been made before an officer of one of the said courts duly authorised to take the same and to administer an oath.

Style of Commissioners, with power to them to take fees, &c.

8. All the Commissioners appointed or empowered under this Act shall have and possess the like powers and authorities as are now vested in "Commissioners of affidavits and special bail in the common law courts, Ireland."

Commissioners to have same powers as former Commissioners.

9. Any person making an affidavit before any Commissioner so as aforesaid appointed under this Act may, instead of an oath, make a solemn affirmation or declaration in all cases in which he is now by law entitled to substitute such solemn affirmation or declaration for an oath; and for all the purposes of this Act, including a prosecution for perjury, such solemn affirmation or declaration shall be deemed to be the same as an oath.

Affirmation to be equivalent to oath.

CHAPTER 76.

An Act to consolidate and amend the Acts relating to the Regulation of Coal Mines and certain other Mines. [10th August 1872.]

WHEREAS it is expedient to consolidate and amend the law relating to the regulation and inspection of coal mines and certain other mines:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Coal Mines Regulation Act, 1872."

Short title.

2. This Act, except as herein-after provided, shall not come into operation in England and Scotland until the first day of January one thousand eight hundred and seventy-three, and in Ireland until the first day of January one thousand eight hundred and seventy-four, which dates are in this Act respectively referred to as the commencement of this Act.

Commencement of Act.

3. This Act shall apply to mines of coal, mines of stratified ironstone, mines of shale, and mines of fire-clay.

Application of Act.

PART I.

Employment of Women, Young Persons, and Children.

Employment of women and children in mines.

4. No boy under the age of ten years, and no woman or girl of any age, shall be employed in or allowed to be for the purpose of employment in any mine to which this Act applies below ground.

Employment of boys in mines.

5. A boy of the age of ten and under the age of twelve years shall not be employed in or allowed to be for the purpose of employment in any mine to which this Act applies below ground, except in a mine in which a Secretary of State, by reason of the thinness of the seams of such mine, considers such employment necessary, and by order, published as he may think fit, for the time being allows the same, nor in such case

(*a.*) for more than six days in any one week; or,

(*b.*) if he is employed for more than three days in any one week for more than six hours in any one day; or,

(*c.*) in any other case for more than ten hours in any one day; or,

(*d.*) otherwise than in accordance with the regulations herein-after contained.

Hours of employment of boys and male young persons in mines.

6. A boy of the age of twelve and under the age of thirteen years, and a male young person under the age of sixteen years, shall not be employed in or allowed to be for the purpose of employment in any mine to which this Act applies below ground for more than fifty-four hours in any one week, or more than ten hours in any one day, or otherwise than in accordance with the regulations herein-after contained.

Regulations as to employment of boys and male young persons.

7. For the purpose of the provisions of this Act with respect to the employment of boys and male young persons in a mine below ground, the following regulations shall have effect; that is to say,

(1.) There shall be allowed an interval of not less than eight hours between the period of employment on Friday and the period of employment on the following Saturday, and in other cases of not less than twelve hours between each period of employment:

(2.) The period of each employment shall be deemed to begin at the time of leaving the surface, and to end at the time of returning to the surface:

(3.) A week shall be deemed to begin at midnight on Saturday night, and to end at midnight on the succeeding Saturday night.

Regulations as to education with respect to boys.

8. The following regulations shall have effect with respect to boys of the age of ten and under the age of twelve years employed in any mine to which this Act applies below ground:

(1.) Every such boy shall attend school for at least twenty hours in every two weeks during which he is so employed:

(2.) In computing for the purpose of this Act the time during which a boy has attended school, there shall not be included any time during which such boy has attended either,

(*a.*) in excess of three hours at any one time, or in excess of five hours on any one day, or in excess of twelve hours in any one week; or

(*b.*) on Sundays; or

(*c.*) before eight o'clock in the morning or after six o'clock in the evening:

Provided that the non-attendance of any boy at school shall be excused—

(1.) For any time during which he is certified by the principal teacher of the school to have been prevented from attendance by sickness or other unavoidable cause:

(2.) For any time during which the school is closed for the customary holidays, or for some other temporary cause; and

(3.) For any time during which there is no school which the boy can attend within two miles (measured according to the nearest road) from the residence of such boy or the mine in which he works.

The immediate employer of a boy in every mine to which this Act applies, who has employed such boy for any time amounting in the whole to not less than fourteen days,

shall on Monday in every week during the employment of such boy obtain from the principal teacher of some school a certificate that the boy so employed has in manner required by this Act attended school during the preceding week, if attendance at school was so required during that week.

The certificate may be in such form as a Secretary of State may from time to time prescribe.

The immediate employer, where he is not the owner, agent, or manager of the mine, shall deliver such certificate to the owner, agent, or manager of the mine, and the owner, agent, or manager shall obtain the delivery of such certificate, and shall keep any certificate obtained or delivered in pursuance of this section for six months in the office at the mine, and shall produce the same to any inspector under this Act at all reasonable times when required by him during that period, and allow him to inspect and copy the same.

Every person who forges or counterfeits any certificate required by this section, or gives or signs any such certificate falsely, or wilfully makes use of any forged, counterfeit, or false certificate, shall be liable on conviction to imprisonment for a period not exceeding three months, with or without hard labour.

On application of teacher, employer to pay sum for schooling of boy and deduct it from wages.

9. The principal teacher of a school which is attended by any boy employed in a mine to which this Act applies, may apply in writing to the person who pays the wages of such boy to pay such sum as herein-after mentioned on account of any boy in respect of whom he may have duly granted a certificate in pursuance of this Act, and after the date of such application, such person, so long as he employs the boy, shall pay to the principal teacher of the said school, for every week that the boy attends that school, the weekly sum specified in the application, not exceeding twopence per week, and not exceeding one twelfth part of the wages of the boy, and may deduct the sum so paid by him from the wages payable for the services of such boy.

Any person who after such application refuses to pay on demand any sum that may become due as aforesaid shall be liable to a penalty not exceeding ten shillings.

Inspector may disqualify for granting certificates any teacher who is unfit.

10. If an inspector under this Act is satisfied by inspection of a school or otherwise that the principal teacher of a school who grants certificates of school attendance required under this Act ought to be disqualified for granting such certificates for any of the following reasons; namely,

(1.) Because he is unfit to instruct children by reason either of his ignorance or neglect, or of his not having the necessary books and materials:

(2.) Because of his immoral conduct: or,

(3.) Because of his continued neglect to fill up proper certificates of school attendance:

in any such case he may serve on the teacher a written notice stating the reason for such disqualification. At the expiration of two weeks from the date of such notice the teacher shall, subject to the appeal herein-after mentioned, be disqualified for granting certificates.

The inspector shall, so far as he can, serve on every employer of a child who obtains certificates from such teacher a notice to the like effect as the notice served on the teacher, and also specifying a school which the child employed by such employer can attend within two miles (measured according to the nearest road) from the place of employment or the residence of the child.

Any teacher who is disqualified as aforesaid, and any employer who obtains certificates from him, may within three weeks after the service of the notice on the teacher, appeal therefrom to the Education Department, who may confirm or reverse such disqualification.

After a teacher is disqualified for granting certificates, no certificate given by him shall be deemed to be a certificate in compliance with this Act, unless in the case of there being no other school which the child employed in a mine can attend within two miles (measured according to the nearest road) from the mine or the residence of such child, or unless with the written consent of an inspector under this Act.

The inspectors under this Act shall in their reports to a Secretary of State report the name of every teacher disqualified under this section during the preceding twelve months,

the name of the school at which he taught, and such last-mentioned report shall be communicated to the Committee of Council on Education.

Penalty for non-attendance of children at school.

11. The following regulation shall apply to every boy of ten and under twelve years of age, employed below ground in any mine to which this Act applies:

The parent, guardian, or person having the custody of or control over any such boy shall cause him to attend school in accordance with the regulations of this Act:

Every such parent, guardian, or person who wilfully fails to act in conformity with this section, shall be liable to a penalty of not more than twenty shillings for each offence.

As to employment of women, young persons, and children above ground in connexion with mines.

12. With respect to women, young persons, and children employed above ground, in connexion with any mine to which this Act applies, the following provisions shall have effect:

(1.) No child under the age of ten years shall be so employed:

(2.) The regulations of this Act with respect to boys of ten and under twelve years of age shall apply to every child so employed:

(3.) The regulations of this Act with respect to male young persons under sixteen years of age shall apply to every woman and young person so employed:

(4.) No woman, young person, or child shall be so employed between the hours of nine at night and five on the following morning, or on Sunday, or after two o'clock on Saturday afternoon:

(5.) Intervals for meals shall be allowed to every woman, young person, and child so employed, amounting in the whole to not less than half an hour during each period of employment which exceeds five hours, and to not less than one hour and a half during each period of employment which exceeds eight hours.

The provisions of this clause, as to the employment of women, young persons, and children after two o'clock on Saturday afternoon, shall not apply in the case of any mine in Ireland, so long as it is exempted in writing by a Secretary of State.

Register to be kept by owner, &c. of boys and male young persons employed in mines.

13. The owner, agent, or manager of every mine to which this Act applies, shall keep in the office at the mine a register, and shall cause to be entered in such register the name, age, residence, and date of first employment of all boys under the age of twelve years, and of the age of twelve and under the age of thirteen years, and of all male young persons under the age of sixteen years, who are employed in the mine below ground, and of all women, young persons, and children employed above ground in connexion with the mine, and a memorandum of the certificates of the school attendance of such boys obtained in pursuance of this Act, and shall produce such register to any inspector under this Act at the mine at all reasonable times when required by him, and allow him to inspect and copy the same.

The immediate employer of every boy or male young person of the ages aforesaid, other than the owner, agent, or manager of the mine, before he causes such boy or male young person to be in any mine to which this Act applies below ground, shall report to the manager of such mine, or some person appointed by such manager that he is about to employ him in such mine.

As to employment of young persons under 18 about engines.

14. Where there is a shaft or an inclined plane or level in any mine to which this Act applies, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up or down or along such shaft, plane, or level by means of any engine, windlass, or gin, driven or worked by steam or any mechanical power, or by an animal, or by manual labour, a person shall not be allowed to have charge of such engine, windlass, or gin, or of any part of the machinery, ropes, chains, or tackle connected therewith, unless he is a male of at least eighteen years of age.

Where the engine, windlass, or gin 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 engine, windlass, or gin, but such driver shall not be under twelve years of age.

Penalty for employment of persons in contravention of provisions of this Act.

15. 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 women, girls, young persons, boys, or children, or to the attendance of boys at school, or to the register of boys and male young persons, or of women, young persons, and children, or to the reporting the intended employment of boys or male young persons, or to the employment of persons about any engine, windlass, or gin, he shall be guilty of an offence against this Act; and in case of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act, unless he prove that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this Act to prevent such contravention or non-compliance.

If it appear that a child, boy, or young person, or a person employed about an engine, windlass, or gin, was employed on the representation of his parent or guardian that he was of that age at which his employment would not be in contravention of this Act, and under the belief in good faith that he was of that age, the owner, agent, or manager of the mine and employer shall be exempted from any penalty, and the parent or guardian shall, for such misrepresentation, be deemed guilty of an offence against this Act.

Wages.

Prohibition of payment of wages at public houses, &c.

16. No wages shall be paid to any person employed in or about any mine to which this Act applies at or within any public house, beer shop, or place for the sale of any spirits, beer, wine, cyder, or other spirituous or fermented liquor, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto, or occupied therewith.

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 shall each be guilty of an offence against this Act, unless he prove that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this section to prevent such contravention or non-compliance.

As to payment of persons employed in mines by weight.

17. Where the amount of wages paid to any of the persons employed in a mine to which this Act applies depends on the amount of mineral gotten by them, such persons shall, after the first day of August one thousand eight hundred and seventy-three, unless the mine is exempted by a Secretary of State, be paid according to the weight of the mineral gotten by them, and such mineral shall be truly weighed accordingly.

Provided always, that nothing herein contained shall preclude the owner, agent, or manager of the mine from agreeing with the persons employed in such mine that deductions shall be made in respect of stones or materials other than mineral contracted to be gotten, which shall be sent out of the mine with the mineral contracted to be gotten, or in respect of any tubs, baskets, or hutches being improperly filled in those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him, such deductions being determined by the banksman or weigher and check weigher (if there be one), or in case of difference by a third party to be mutually agreed on by the owner, agent, or manager of the mine on the one hand, and the persons employed in the mine on the other.

Where it is proved to the satisfaction of a Secretary of State that by reason of any exigencies existing in the case of any mine or class of mines to which the foregoing provision in this section applies, it is requisite or expedient that the persons employed in such mine or class of mines should not be paid by the weight of the mineral gotten by them, or that the beginning of such payment by weight should be postponed, such Secretary of State may, if he think fit, by order exempt such mine or class of mines from the provisions of this section, either without condition or during the time and upon the conditions specified in the order, or postpone in such mine or class of mines the beginning of such payment by weight, and may from time to time revoke or alter any such order.

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

Appointment and removal of check weigher on part of men.

18. The persons who are employed in a mine to which this Act applies, and are paid according to the weight of the mineral gotten by them, may, at their own cost, station a person (in this Act referred to as "a check weigher") at the place appointed for the weighing of such mineral, in order to take an account of the weight thereof on behalf of the persons by whom he is so stationed. The check weigher shall be one of the persons employed either in the mine at which he is so stationed or in another mine belonging to the owner of that mine. He shall have every facility afforded to him to take a correct account of the weighing for the persons by whom he is so stationed; and if in any mine proper facilities are not afforded to the check weigher as required by this section, the owner, agent, and manager of such mine shall each be guilty of an offence against this Act, unless he prove that he had taken all reasonable means by enforcing to the best of his power the provisions of this section to prevent such contravention or non-compliance.

The check weigher shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the weighing, but shall be authorised only to take such account as aforesaid, and the absence of the check weigher shall not be a reason for interrupting or delaying such weighing.

If the owner, agent, or manager of the mine desires the removal of a check weigher on the ground that such check weigher has impeded or interrupted the working of the mine or interfered with the weighing, or has otherwise misconducted himself, he may complain to any court of summary jurisdiction, who, if of opinion that the owner, agent, or manager shows sufficient primâ facie ground for the removal of such check weigher, shall call upon the check weigher to show cause against his removal. On the hearing of the case the court shall hear the parties, and, if they think that at the hearing sufficient ground is shown by the owner, agent, or manager to justify the removal of the check weigher, shall make a summary order for his removal, and the check weigher shall thereupon be removed, but without prejudice to the stationing of another check weigher in his place.

The court may in every case make such order as to the costs of the proceedings as they think just.

If in pursuance of any order of exemption made by a Secretary of State, the persons employed in a mine to which this Act applies are paid by the measure or gauge of the material gotten by them, the provisions of this section shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms relating to weighing shall be construed accordingly.

Application of Weights and Measures Act to weights used in mines, &c.

19. The Weights and Measures Act, or any Act for the time being in force relating to weights and measures, shall apply to the weights used in any mine to which this Act applies for determining the wages payable to any person employed in such mine according to the weight of the mineral gotten by such person, in like manner as it applies to weights used for the sale of any article, and the inspector of weights and measures for the district appointed under the said Act shall accordingly from time to time, but without unnecessarily impeding or interrupting the working of the mine, inspect and examine, in manner directed by the said Act, the weighing machines and weights used for mines to which this Act applies, or the measures or gauges used for such mines: Provided that nothing in this section shall prevent the use of the measures and gauges ordinarily used in such mine.

The term "Weights and Measures Act" in this section means—

(*a.*) As to Great Britain, the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter sixty-three, "to repeal an Act of the fourth "and fifth year of His present Majesty relating to weights and measures, and to "make other provisions instead thereof;" and,

(*b.*) As to Ireland, the Weights and Measures (Ireland) Amendment Act, 1862, as amended by the Act of the session of the thirtieth and thirty-first years of the reign of Her present Majesty, chapter ninety-four, "to provide for the inspection "of weights and measures, and to regulate the law relating thereto in certain "parts of the police district of Dublin Metropolis."

Single Shafts.

Prohibition of single shafts.

20. After the commencement of this Act the owner, agent, or manager of a mine to which this Act applies shall not employ any person in such mine, or permit any person to be in such mine for the purpose of employment therein, unless there are in communication with every seam of such mine for the time being at work at least two shafts or outlets, separated by natural strata of not less than ten feet in breadth, by which shafts or outlets distinct means of ingress and egress are available to the persons employed in such seam, whether such two shafts or outlets belong to the same mine, or one or more of them belong to another mine, and unless there is a communication of not less than four feet wide and three feet high between such two shafts or outlets, and unless there is at each of such two shafts or outlets or upon the works belonging to the mine and either in actual use or available for use within a reasonable time proper apparatus for raising and lowering persons at each such shaft or outlet.

Provided that such separation shall not be deemed incomplete by reason only that openings through the strata between the two shafts or outlets have been made for temporary purposes of ventilation, drainage, or otherwise; or in the case of mines where inflammable gas has not been found within the preceding twelve months for the same purposes although not temporary.

Every owner, agent, and manager of a mine who acts in contravention of or fails to comply with this section shall be guilty of an offence against this Act.

Any of Her Majesty's superior courts of law or equity, whether any other proceedings have or have not been taken, may, upon the application of the Attorney General, prohibit by injunction the working of any mine in which any person is employed, or is permitted to be for the purpose of employment, in contravention of this section, and may award such costs in the matter of the injunction as the court thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

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

Agreements in contravention of this Act illegal.

21. No person shall be precluded by any agreement from doing such acts as may be necessary for providing a second shaft or outlet to a mine, where the same is required by this Act, or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this Act with respect to shafts or outlets.

Exceptions from provisions as to single shafts.

22. The provisions of this Act with respect to shafts or outlets shall not apply in the following cases; that is to say,

(1.) In the case either of opening a new mine for the purpose of searching for or proving minerals, or of any working for the purpose of making a communication between two or more shafts, 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 each shaft or outlet in such new mine or such working:

(2.) In the case of any proved mine so long as it is exempted in writing by a 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 the sinking or making of a second shaft or outlet, or

(*b.*) if the mine is not a coal mine, or mine with inflammable gas, that sufficient provision has been made against danger from other causes than explosions of gas by using stone, brick, or iron in the place of wood for the lining of the shaft and the construction of the mid wall; or

(*c.*) that the workings in any seam of a mine have reached the boundary of the property or other extremity of the mineral field of which such 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 such seam;

and so long as there are not employed below ground at any one time in the whole of the different seams in connexion with the shaft or outlet in any such mine, more than twenty persons, or (if the mine is not a coal mine, or mine with inflammable gas) than such larger number of persons as may for the time being be allowed by a Secretary of State:

(3.) In the case of any mine 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 such mine is exempted in writing by a Secretary of State, and as the conditions on which such exemption is granted are duly observed.

Temporary exception from provisions as to single shafts.

23. The provisions of this Act with respect to shafts or outlets shall not, until the first day of January one thousand eight hundred and seventy-five, apply to any mine which is not at the passing of this Act required to have two shafts or outlets.

Exemption of certain mines as to shafts, and extension of time for other mines.

24. If a written representation is made to a Secretary of State by the owner or agent of a mine not required at the passing of this Act to have two shafts or outlets, either—

(1.) Within six months after the commencement of this Act, alleging that by reason of the mine being nearly exhausted he ought to be exempted from the obligation of providing an additional shaft or outlet in pursuance of this Act; or,

(2.) Within six months immediately preceding the first day of January one thousand eight hundred and seventy-five, alleging that an extension of time for providing an additional shaft or outlet ought to be granted to him:

the question as to whether such exemption or extension of time ought to be granted shall be referred to arbitration, and the date of the receipt of such representation by a Secretary of State shall be deemed to be the date of the reference, and the award made upon such arbitration may exempt the owner of such mine from the obligation of providing an additional shaft or outlet, and may grant to the owner of such other mine as aforesaid such extension of time as may be specified by the award, but if the result of the arbitration is against the owner or agent, or if no award is made by reason of any default or neglect on the part of the owner or agent, the owner or agent shall be bound by the provisions of this Act as if the section had not been enacted.

Division of Mine into Parts.

Division of mine into parts.

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

If a Secretary of State is of opinion that the division of a mine in pursuance of this section tends to lead to the evasion of the provisions of this Act, or otherwise to prevent the carrying of this Act into effect, he may object to such division by notice served on the owner or agent of the mine; and such owner or agent, if he decline to acquiesce in such objection, may, within twenty days after the receipt of such notice, send a notice to the inspector of the district stating that he declines so to acquiesce, and thereupon the matter shall be determined by arbitration in manner provided by this Act; and the date of the receipt of the last-mentioned notice shall be deemed to be the date of the reference.

Certificated Managers.

Appointment of manager to mine.

26. Every mine to which this Act applies shall be under the control and daily supervision of a manager, and the owner or agent of every such mine shall nominate himself or some other person (not being a contractor for getting the mineral in such mine, or a person in the employ of such contractor) to be the manager of such mine, and shall send written notice to the inspector of the district of the name and address of such manager.

A person shall not be qualified to be a manager of a mine to which this Act applies unless he is for the time being registered as the holder of a certificate under this Act.

If any mine to which this Act applies is worked for more than fourteen days without there being such a manager for that mine as is required by this section, the owner and agent of such mine shall each be liable to a penalty not exceeding fifty pounds, and to a further penalty not exceeding ten pounds for every day during which such mine is so worked.

Provided that—

(*a.*) The owner of such mine shall not be liable to any such penalty if he prove that he had taken all reasonable means by the enforcement of this section to prevent the mine being worked in contravention of this section:

(*b.*) If for any reasonable cause there is for the time being no manager of a mine qualified as required by this section, the owner or agent of such mine may appoint any competent person not holding a certificate under this Act to be manager, for a period not exceeding two months, or such longer period as may elapse before such person has an opportunity of obtaining by examination a certificate under this Act, and shall send to the inspector of the district a written notice of the name and address of such manager, and of the reason of his appointment; and

(*c.*) A mine in which less than thirty persons are ordinarily employed below ground, or of which the average daily out-put does not exceed twenty-five tons, shall be exempt from the provisions of this section, unless the inspector of the district, by notice in writing served on the owner or agent of such mine, requires the same to be under the control of a manager.

Appointment of examiners for granting certificates of competency to managers.

27. For the purpose of granting in any part of the United Kingdom, to be from time to time defined by an order in writing made by a Secretary of State, certificates of competency to managers of mines for the purposes of this Act, examiners shall be appointed by a board constituted as herein-after mentioned.

A Secretary of State may from time to time appoint, remove, and re-appoint fit persons to form such board as follows; namely, three persons being owners of mines to which this Act applies in the said part of the United Kingdon, and three persons employed in or about a mine to which this Act applies in the said part of the United Kingdom, not being owners, agents, or managers of a mine, and three persons practising as mining engineers, agents, or managers of mines, or coal viewers in the said part of the United Kingdom, and one inspector under this Act; the persons so appointed shall during the pleasure of the Secretary of State form the board for the purposes of the said examinations in the said part of the United Kingdom.

Constitution and powers of board for appointing examiners.

28. The proceedings of the board shall be in accordance with the rules contained in Schedule Two to this Act; the board shall from time to time appoint examiners, not being members of the board, except with the consent of the Secretary of State, to conduct the examinations in the part of the United Kingdom for which such board acts, of applicants for certificates of competency under this Act, and may from time to time make, alter, and revoke rules as to the conduct of such examinations and the qualifications of the applicants, so, however, that in every such examination regard shall be had to such knowledge as is necessary for the practical working of mines in the said part of the United Kingdom; every such board shall make from time to time to a Secretary of State a report and return of their proceedings, and of such other matters as a Secretary of State may from time to time require.

Regulations by Secretary of State as to examinations.

29. A Secretary of State may from time to time make, alter, and revoke rules as to the places and times of examinations of applicants for certificates of competency under this Act, the number and remuneration of the examiners, and the fees to be paid by the applicants, so that the fees do not exceed those specified in Schedule One to this Act. Every such rule shall be duly observed by every board appointed under this Act to whom it applies.

Grant of certificates to applicants on passing examination.

30. A Secretary of State shall deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct, such a certificate of competency as the case requires. The certificate shall be in such form as a Secretary of State from time to time directs, and a register of the holders of such certificates shall be kept by such person and in such manner as a Secretary of State from time to time directs.

Grant of certificates of service to existing managers.

31. Certificates of service for the purposes of this Act shall be granted by a Secretary of State to every person who satisfies him either that before the passing of this Act he was acting, and has since that day acted, or that he has at any time within five years before the passing of this Act for a period of not less than twelve months acted, in the capacity of a manager of a mine or such part of a mine as can under this Act be made a separate mine for the purposes of this Act.

Every such certificate of service shall contain particulars of the name, place, and time of birth, and the length and nature of the previous service of the person to whom the same is delivered, and a certificate of service may be refused to any person who fails to give a full and satisfactory account of the particulars aforesaid, or to pay such registration fee as the Secretary of State may direct, not exceeding that mentioned in Schedule One to this Act.

A certificate of service shall have the same effect for the purposes of this Act as a certificate of competency granted under this Act.

Inquiry into competency of manager, and cancellation of certificate in case of unfitness.

32. If at any time representation is made to a Secretary of State by an inspector or otherwise, that any manager holding a certificate under this Act is by reason of incompetency or gross negligence unfit to discharge his duties, or has been convicted of an offence against this Act, the Secretary of State may, if he think fit, cause inquiry to be made into the conduct of such manager, and with respect to such inquiry the following provisions shall have effect:

(1.) 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, 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:

(2.) The Secretary of State shall, before the commencement of the inquiry, furnish to the manager a statement of the case upon which the inquiry is instituted:

(3.) Some person appointed by the Secretary of State shall undertake the management of the case:

(4.) The manager may attend the inquiry by himself, his counsel, attorney, or agent, and may, if he think fit, be sworn and examined as an ordinary witness in the case:

(5.) The persons appointed to hold the inquiry, in this Act referred to as the court, shall, upon the conclusion of the inquiry, send to the Secretary of State a report containing a full statement of the case, and their opinion thereon, and such report of, or extracts from the evidence, as the court think fit:

(6.) The court shall have power to cancel or suspend the certificate of the manager, if they find that he is by reason of incompetency or gross negligence, or of his having been convicted of an offence against this Act, unfit to discharge his duty:

(7.) The court may, if they think fit, require a manager to deliver up his certificate, and if any manager fail, without sufficient cause to the satisfaction of the court, to comply with such requisition, he shall be liable to a penalty not exceeding one hundred pounds. The court shall hold a certificate so delivered until the conclusion of the investigation, and shall then either restore, cancel, or suspend the same, according to their judgment on the case:

(8.) The court shall have for the purpose of the inquiry, all the powers of a court of summary jurisdiction, and all the powers of an inspector under this Act:

(9.) The court may also, by summons under their hands, require the attendance of all such persons as they think fit to call before them and examine for the purpose of the inquiry, and every person so summoned 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 one of the superior courts, who, on request under the hands of the members of the court, shall ascertain and certify the proper amount of such expenses.

As to costs and expenses of inquiry.

33. The court may make such order as they think fit respecting the costs and expenses of the inquiry, and such order shall, on the application of any party entitled to the benefit of the same, be enforced by any court of summary jurisdiction as if such costs and expenses were a penalty imposed by such court.

The Secretary of State may, if he think fit, pay to the members of the court of inquiry, including any assessors, such remuneration as he may with the consent of the Treasury appoint.

Any costs and expenses ordered by the court to be paid by a Secretary of State, and any remuneration paid under this section, shall be paid out of moneys provided by Parliament.

Cancellation of certificate to be recorded, but restoration thereof may be had through Secretary of State in certain cases.

34. Where a certificate of a manager is cancelled or suspended in pursuance of this Act, a Secretary of State shall cause such cancellation or suspension to be recorded in the register of holders of certificates.

A 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 think fit, any certificate which has been cancelled or suspended in pursuance of this Act.

Copy of certificate may be obtained in case of loss.

35. Whenever any person proves to the satisfaction of a Secretary of State that he has, without fault on his part, lost, or been deprived of any certificate previously granted to him under this Act, such Secretary of State shall, upon payment of such fee, if any, as he may direct, but not exceeding the fee specified in Schedule One to this Act, 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.

Expenses and fees how to be defrayed.

36. All expenses incurred by a Secretary of State with the concurrence of the Commissioners of Her Majesty's Treasury in carrying into effect the provisions of this Act with respect to certificates of competency or service shall be defrayed out of moneys provided by Parliament.

All fees payable by the applicants for examination for or for a copy of a certificate under this Act shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may from time to time direct, and be carried to the Consolidated Fund.

Penalty for forgery of a false declaration as to certificate.

37. Every person who commits any of the following offences, that is to say,

(1.) Forges, or counterfeits, or knowingly makes any false statement in any certificate of competency or service under this Act, or any official copy of 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 certificated manager, or the grant, renewal, or restoration of any certificate under this Act, 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,

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

Returns, Notices, and Abandonment.

Returns by owners, agents, or managers of mine.

38. On or before the first day of February in every year the owner, agent, or manager of every mine to which this Act applies shall send to the inspector of the district on behalf of a Secretary of State a correct return, specifying, with respect to the year ending on the preceding thirty-first day of December, the quantity of coal or other mineral wrought in such mine, and the number of persons ordinarily employed in or about such mine below ground and above ground, distinguishing the persons employed below ground and above ground, and the different classes and ages of the persons so employed whose hours of labour are regulated by this Act.

The return shall be in such form as may be from time to time prescribed by a Secretary of State, and the inspector of the district on behalf of a Secretary of State shall from time to time on application furnish forms for the purpose of such return.

The Secretary of State may publish the aggregate results of such returns with respect to any particular county or inspector's district, or any large portion of a county or inspector's district, but the individual return shall not be published without the consent of the person making the same, or of the owner of the mine to which they relate, and no person except an inspector or Secretary of State shall be entitled, without such consent, to see the same.

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.

Notice to be given of accidents in mines.

39. Where in or about any mine to which this Act applies, whether above or below ground, either

(1.) loss of life or any personal injury to any person employed in or about the mine occurs by reason of any explosion of gas, powder, or of any steam boiler; or

(2.) loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever,

the owner, agent, or manager of the mine shall, within twenty-four hours next after the explosion or accident, send notice in writing of the explosion or accident and of the loss of life or personal injury occasioned thereby to the inspector of the district on behalf of a Secretary of State, and shall specify in such notice the character of the explosion or accident, and the number of persons killed and injured respectively.

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 district on behalf of a Secretary of State within twenty-four hours after such death comes to the knowledge of the owner, agent, or manager.

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

Notice to be given of opening and abandonment of mine.

40. In any of the following cases, namely,

(1.) Where any working is commenced for the purpose of opening a new shaft for any mine to which this Act applies;

(2.) Where a shaft of any mine to which this Act applies is abandoned or the working thereof discontinued;

(3.) Where the working of a shaft of any mine to which this Act applies is recommenced after any abandonment or discontinuance for a period exceeding two months; or

(4.) Where any change occurs in the name of, or in the name of the owner, agent, or manager of, any mine to which this Act applies, or in the officers of any incorporated company which is the owner of a mine to which this Act applies,

the owner, agent, or manager of such mine shall give notice thereof to the inspector of the district within two months after such 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.

Fencing of abandoned mine.

41. Where any mine to which this Act applies is abandoned or the working thereof discontinued, at whatever time such abandonment or discontinuance occurred, the owner thereof, and every other person interested in the minerals of such mine, shall cause the top of the shaft and any side entrance from the surface to be and to be kept securely fenced for the prevention of accidents:

Provided that—

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

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

If any person fail to act in conformity with this section, he shall be guilty of an offence against this Act.

Any shaft or side entrance which is not fenced as required by this section, and is within fifty yards of any highway, road, footpath, or place of public resort, or is in open or uninclosed land, shall be deemed to be a nuisance within the meaning of section eight of the Nuisances Removal Act for England, 1855, as amended and extended by the Sanitary Act, 1866.

Plans of abandoned mines to be sent to Secretary of State.

42. Where any mine to which this Act applies is abandoned, the owner of such mine at the time of such abandonment shall, within three months after such abandonment, send to a Secretary of State an accurate plan on a scale of not less than a scale of two chains to one inch, or on such other scale as the plan used in the mine at the time of such abandonment is constructed on, showing the boundaries of the workings of such mine up to the time of the abandonment, with the view of its being preserved under the care of the Secretary of State, but no person, except an inspector under this Act, shall be entitled, without the consent of the owner of the mine, to see such plan when so sent until after the lapse of ten years from the time of such abandonment.

Every person who fails to comply with this section shall be guilty of an offence against this Act.

Inspection.

Appointment of inspectors of mines.

43. A Secretary of State may from time to time appoint any fit persons to be inspectors of mines to which this Act applies, and assign them their duties, and may award them such salaries as the Commissioners of Her Majesty's Treasury may approve, and may remove such inspectors.

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

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

Any person appointed or acting as inspector under the Metalliferous Mines Regulation Act, 1872, if directed by a Secretary of State to act as an inspector under this Act, may so act, and shall be deemed to be an inspector under this Act.

Disqualification of persons as inspectors.

44. 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 otherwise employed in or about any mine (whether such mine is one to which this Act applies or not), shall not act as an inspector of mines under this Act.

Powers of inspectors.

45. An inspector under this Act shall have power to do all or any of the following things; namely,

(1.) 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 to which this Act applies:

(2.) To enter, inspect, and examine any mine to which this Act applies, and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct the working of the said mine:

(3.) To examine into and make inquiry respecting the state and condition of any mine to which this Act applies, or any part thereof, and the ventilation of the mine, and the sufficiency of the special rules 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:

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

Every person who wilfully obstructs any inspector in the execution of his duty under this Act, and every owner, agent, and manager of a mine who refuses or neglects to furnish to the inspector the means necessary for making any entry, inspection, examination, or inquiry under this Act, in relation to such mine, shall be guilty of an offence against this Act.

Notice by inspectors of causes of danger not provided for by the rules.

46. If in any respect (which is not provided against by any express provision of this Act, or by any special rule) any inspector find any mine to which this Act applies, or any part thereof, or any matter, thing, or practice in or connected with any such mine, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, such inspector may give notice in writing thereof to the owner, agent, or manager of the mine, and shall state in such notice the particulars in which he considers such mine, or any part thereof, or any matter, thing, or practice, to be dangerous or defective, and require the same to be remedied; and unless the same be forthwith remedied the inspector shall also report the same to a Secretary of State.

If the owner, agent, or manager of the mine objects to remedy the matter complained of in the notice he may, within twenty days after the receipt of such notice, send his objection in writing, stating the grounds thereof, to a Secretary of State; and thereupon the matter shall be determined by arbitration in manner provided by this Act; and the date of the receipt of such objection shall be deemed to be the date of the reference.

If the owner, agent, or manager fail to comply either with the requisition of the notice, where no objection is sent within the time aforesaid, or with the award made on arbitration, within twenty days after the expiration of the time for objection or the time of making of the award (as the case may be), he shall be guilty of an offence against this Act, and the notice and award shall respectively be deemed to be written notice of such 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 such offence, and, if the works are completed within a reasonable time, no penalty shall be inflicted.

No person shall be precluded by any agreement from doing such acts as may be necessary to comply with the provisions of this section, or be liable under any contract to any penalty or forfeiture for doing such acts.

Plans of mines to be kept by owner, &c.

47. The owner, agent, or manager of every mine to which this Act applies shall keep in the office at the mine an accurate plan of the workings of such mine, and showing the workings up to at least six months previously.

The owner, agent, or manager of the mine shall produce to an inspector under this Act at the mine, such plan, and shall, if requested by the inspector, mark on such plan the progress of the workings of the mine up to the time of such production, and shall

allow the inspector to examine the same; but the inspector is not hereby authorised to make a copy of any part of such plan.

If the owner, agent, or manager of any mine to which this Act applies fails to keep such plan as is prescribed by this section, or wilfully refuses to produce or allow to be examined such plan, or wilfully withholds any portion of any plan, or conceals any part of the workings of his mine, or produces an imperfect or inaccurate plan, unless he shows that he was ignorant of such concealment, imperfection, or inaccuracy, he shall be guilty of an offence against this Act; and further, the inspector may, by notice in writing, (whether a penalty for such offence has or has not been inflicted,) require the owner, agent, or manager to cause an accurate plan, such as is prescribed by this section, to be made within a reasonable time, at the expense of the owner of the mine, on a scale of not less than a scale of two chains to one inch, or on such other scale as the plan then used in the mine is constructed on.

If the owner, agent, or manager fail within twenty days, or such further time as may be shown to be necessary, after the requisition of the inspector to make or cause to be made such plan, he shall be guilty of an offence against this Act.

Inspector to make an annual report, and special reports as directed.

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

A Secretary of State may at any time direct an inspector to make a special report with respect to any accident in a mine to which this Act applies, which accident has caused loss of life or personal injury to any person, and in such case shall cause such report to be made public at such time and in such manner as he thinks expedient.

Arbitration.

Provisions as to arbitrations.

49. With respect to arbitrations under this Act, the following provisions shall have effect:

(1.) The parties to the arbitration are in this section deemed to be the owner, agent, or manager of the mine on the one hand, and the inspector of mines (on behalf of the Secretary of State) on the other:

(2.) Each of the parties to the arbitration may, within twenty-one days after the date of the reference, appoint an arbitrator:

(3.) No person shall act as arbitrator or umpire under this Act who is employed in or in the management of, or is interested in the mine to which the arbitration relates:

(4.) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of such other party:

(5.) The death, removal, or other change in any of the partie sto the arbitration shall not affect the proceedings under this section:

(6.) If within the said twenty-one days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final:

(7.) If before an award has been made any arbitrator appointed by either party die or become incapable to act, or for fourteen days refuse or neglect to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place; and if he fail to do so within fourteen days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such single arbitrator shall be final:

(8.) In either of the foregoing cases where an arbitrator is empowered to act singly, upon one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had been made:

(9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time

(if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned:

(10.) The arbitrators, before they enter upon the matters referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ:

(11.) If the umpire die or become incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place:

(12.) If the arbitrators refuse or fail or for seven days after the request of either party neglect to appoint an umpire, then on the application of either party an umpire shall be appointed by the chairman of the general or quarter sessions of the peace, within the jurisdiction of which the mine is situate:

(13.) The decision of every umpire on the matters referred to him shall be final:

(14.) If a single arbitrator fail to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place:

(15.) The arbitrators and their umpire or any of them may examine the parties and their witnesses on oath, they may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult:

(16.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State, and together with the costs of the arbitration and award shall be paid by the parties or one of them according as the award may direct. Such costs may be taxed by a master of one of the superior courts, who, on the written application of either of the parties, shall ascertain and certify the proper amount of such costs. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by the owner, agent, or manager may in the event of non-payment be recovered in the same manner as penalties under this Act:

(17.) Every person who is appointed an arbitrator or umpire under this section shall be a practical mining engineer, or a person accustomed to the working of mines, but when an award has been made under this section the arbitrator or umpire who made the same shall be deemed to have been duly qualified as provided by this section.

Coroners.

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

50. With respect to coroners inquests on the bodies of persons whose death may have been caused by explosions or accidents in mines to which this Act applies, the following provisions shall have effect:

(1.) Where a coroner holds an inquest upon a body of any person whose death may have been caused by any explosion or accident, of which notice is required by this Act to be given to the inspector of the district, the coroner shall adjourn such inquest unless an inspector, or some person on behalf of a 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 for the district 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 explosion or accident has not occasioned the death of more than one person, and the coroner has sent to the inspector of the district notice of the time and place of holding the inquest not less than forty-eight hours before the time of holding the same, it shall not be imperative on him to adjourn such 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 order of the coroner:

(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 explosion or 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 district notice in writing of such neglect or default:

(7.) Any person having a personal interest in or employed in or in the management of the mine in which the explosion or 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.

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

PART II.

RULES.

General Rules.

General rules:

51. The following general rules shall be observed, so far as is reasonably practicable, in every mine to which this Act applies:

Ventilation.

(1.) An adequate amount of ventilation shall be constantly produced in every mine, to dilute and render harmless noxious gases to such an extent that the working places of the shafts, levels, stables, and workings of such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein.

(2.) In every mine in which inflammable gas has been found within the preceding twelve months, then once in every twenty-four hours if one shift of workmen is employed, and once in every twelve hours if two shifts are employed during any twenty-four hours, a competent person or competent persons, who shall be appointed for the purpose, shall, before the time for commencing work in any part of the mine, inspect with a safety lamp that part of the mine, and the roadways leading thereto, and shall make a true report of the condition thereof, so far as ventilation is concerned, and a workman shall not go to work in such part until the same and the roadways leading thereto are stated to be safe. Every such report shall be recorded without delay in a book which shall be kept at the mine for the purpose, and shall be signed by the person making the same.

(3.) In every mine in which inflammable gas has not been found within the preceding twelve months, then once in every twenty-four hours a competent person or competent persons, who shall be appointed for the purpose, shall, so far as is reasonably practicable, immediately before time for commencing work in any part of the mine, inspect that part of the mine and the roadways leading thereto, and shall make a true report of the condition thereof so far as ventilation is concerned, and a workman shall not go to work in such part until the same and the roadways leading thereto are stated to be safe. Every report shall be recorded without delay in a book which shall be kept at the mine for the purpose, and shall be signed by the person making the same.

Fencing of places not in use.

(4.) All entrances to any place not in actual course of working and extension, shall be properly fenced across the whole width of such entrance, so as to prevent persons inadvertently entering the same.

Stations.

(5.) A station or stations shall be appointed at the entrance to the mine, or to different parts of the mine, as the case may require, and a workman shall not pass beyond any such station until the mine or part of the mine beyond the same has been inspected and stated to be safe.

Withdrawal of workmen in case of danger.

(6.) 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 noxious gases prevailing in such mine or such part thereof, or, of any cause whatever, the mine or the said part is dangerous, every workman

shall be withdrawn from the mine or such part thereof as is so found dangerous, and a competent person who shall be appointed for the purpose shall inspect the mine or such part thereof as is so found dangerous, and if the danger arises from inflammable gas shall inspect the same with a locked safety lamp, and in every case shall make a true report of the condition of such mine or part thereof, 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 such part thereof as was so found dangerous, until the same is stated by such report not to be dangerous. Every such report shall be recorded in a book which shall be kept at the mine for the purpose, and shall be signed by the person making the same.

Safety lamps and lights.

(7.) In every working approaching any place where there is likely to be an accumulation of explosive gas, no lamp or light other than a locked safety lamp shall be allowed or used, and whenever safety lamps are required by this Act, or by the special rules made in pursuance of this Act to be used, a competent person who shall be appointed for the purpose shall examine every safety lamp immediately before it is taken into the workings for use, and ascertain it to be secure and securely locked, and in any part of a mine in which safety lamps are so required to be used, they shall not be used until they have been so examined and found secure and securely locked, and shall not without due authority be unlocked, and in the said part of a mine a person shall not, unless he is appointed for the purpose, have in his possession any key or contrivance for opening the lock of any such safety lamp, or any lucifer match or apparatus of any kind for striking a light.

Gunpowder and blasting.

(8.) Gunpowder or other explosive or inflammable substance shall only be used in the mine underground as follows:

(*a.*) It shall not be stored in the mine:

(*b.*) It shall not be taken into the mine, except in a case or canister containing not more than four pounds:

(*c.*) A workman shall not have in use at one time in any one place more than one of such cases or canisters:

(*d.*) In charging holes for blasting, an iron or steel pricker shall not be used, and a person shall not have in his possession in the mine underground any iron or steel pricker, and an iron or steel tamping rod or stemmer shall not be used for ramming either the wadding or the first part of the tamping or stemming on the powder:

(*e.*) A charge of powder which has missed fire shall not be unrammed:

(*f.*) It shall not be taken into or be in the possession of any person in any mine, except in cartridges, and shall not be used, except in accordance with the following regulations, during three months after any inflammable gas has been found in any such mine; namely,

(1.) A competent person who shall be appointed for the purpose shall, immediately before firing the shot, examine the place where it is to be used, and the places contiguous thereto, and shall not allow the shot to be fired unless he finds it safe to do so, and a shot shall not be fired except by or under the direction of a competent person who shall be appointed for the purpose:

(2.) If the said inflammable gas issued so freely that it showed a blue cap on the flame of the safety lamp, it shall only be used—

(*a.*) Either in those cases of stone drifts, stone work, and sinking of shafts, in which the ventilation is so managed that the return air from the place where the powder is used passes into the main return air course without passing any place in actual course of working; or

(*b.*) When the persons ordinarily employed in the mine are out of the mine or out of the part of the mine where it is used:

(*g.*) Where a mine is divided into separate panels in such manner that each panel has an independent intake and return air-way from the main air course and the main return air course, the provisions of this rule with respect to gunpowder or other explosive inflammable substance shall apply to each such panel in like manner as if it were a separate mine.

(9.) Where a place is likely to contain a dangerous accumulation of water the working approaching such place shall not exceed eight feet in width, and there shall be constantly kept at 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. Water and bore-holes.

(10.) Every underground plane on which persons travel, which is self-acting or worked by an engine, windlass, or gin, shall be provided (if exceeding thirty yards in length) with some proper means of signalling between the stopping places and the ends of the plane, and shall be provided in every case, at intervals of not more than twenty yards, with sufficient man-holes for places of refuge. Man-holes.

(11.) Every road on which persons travel underground where the load is drawn by a horse or other animal shall be provided, at intervals of not more than fifty yards, with sufficient man-holes, or with a space for a place of refuge, which space shall be of sufficient length, and of at least three feet in width, between the waggons running on the tramroad and the side of such road.

(12.) Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as to prevent access thereto.

(13.) The top of every shaft which for the time being is out of use, or used only as an air shaft, shall be securely fenced. Fencing of old shafts.

(14.) The top and all entrances between the top and bottom of every working or pumping shaft shall be properly 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. Fencing of entrances to shafts.

(15.) Where the natural strata are not safe, every working or pumping shaft shall be securely cased, lined, or otherwise made secure. Securing of shafts.

(16.) 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 or work in any such travelling road or working place which is not so made secure. Securing of roofs and sides.

(17.) Where there is a downcast and furnace shaft, and both such shafts are provided with apparatus in use for raising and lowering persons, every person employed in the mine shall, upon giving reasonable notice, have the option of using the downcast shaft. Use of different shafts.

(18.) In any mine which is usually entered by means of machinery, a competent person of such age as prescribed by this Act shall be appointed for the purpose of working the machinery which is employed in lowering and raising persons therein, and shall attend for the said purpose during the whole time that any person is below ground in the mine. Attendance of engine-man.

(19.) Every working shaft used for the purpose of drawing minerals or for the lowering or raising of persons shall, if exceeding fifty yards in depth, and not exempted in writing by the inspector of the district, be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft and from every entrance for the time being in work between the surface and the bottom of the shaft to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in work between the surface and the bottom of the shaft. Signalling.

(20.) A sufficient cover overhead shall be used when lowering or raising persons in every working shaft, except where it is worked by a windlass, or where the person is employed about the pump or some work of repair in the shaft, or where a written exemption is given by the inspector of the district. Cover overhead.

(21.) A single linked chain shall not be used for lowering or raising persons in any working shaft or plane except for the short coupling chain attached to the cage or load. Chains.

(22.) There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also if the drum is conical, such other appliances, as may be sufficient to prevent the rope from slipping. Slipping of rope on drum.

(23.) There shall be attached to every machine worked by steam, water, or mechanical power and used for lowering or raising persons, an adequate break, and also a proper indicator (in addition to any mark on the rope) which shows to the person who works the machine the position of the cage or load in the shaft. Break.

Fencing machinery.

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

Gauges to boilers and safety valve.

(25.) Every steam boiler shall be provided with a proper steam gauge and water gauge, to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety valve.

Barometer, &c.

(26.) After dangerous gas has been found in any mine, a barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine.

Wilful damage.

(27.) No person shall wilfully damage, or without proper authority remove or render useless any fence, fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, break, indicator, steam gauge, water gauge, safety valve, or other appliance or thing provided in any mine in compliance with this Act.

Observance of directions.

(28.) Every person shall observe such directions with respect to working as may be given to him with a view to comply with this Act or the special rules.

Daily inspection of mine.

(29.) A competent person or competent persons who shall be appointed for the purpose shall, once at least in every twenty-four hours, examine the state of the external parts of the machinery, and the state of the head gear, working places, levels, planes, ropes, chains, and other works of the mine which are in actual use, and once at least in every week shall examine the state of the shafts by which persons ascend or descend, and the guides or conductors therein, and shall make a true report of the result of such examination, and such report shall be recorded in a book to be kept at the mine for the purpose, and shall be signed by the person who made the same.

Inspection of mine on behalf of workmen.

(30.) The persons employed in a mine may from time to time appoint two of their number to inspect the mine at their own cost, 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 officers of the mine, to go to every part of the mine, and to inspect the shafts, levels, planes, working places, return air-ways, ventilating apparatus, old workings, and machinery, and shall be afforded by the owner, agent, and manager, and all persons in the mine, every facility for the purpose of such inspection, and shall make a true report of the result of such inspection, and such report shall be recorded in a book to be kept at the mine for the purpose, and shall be signed by the persons who made the same.

Books.

(31.) The books mentioned in this section, or a copy thereof, shall be kept at the office at the mine, and any inspector under this Act, and any person employed in the mine, may, at all reasonable times, inspect and take copies of and extracts from any such books.

Every person who contravenes or does not comply with any of the general rules in this section shall be guilty of an offence against this Act; and in the event of any contravention of or non-compliance with any of the said general rules in the case of any mine to which this Act applies, by any person whomsoever, being proved, 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 publishing and to the best of his power enforcing the said rules as regulations for the working of the mine, to prevent such contravention or non-compliance.

Special Rules.

Special rules.

52. There shall be established in every mine to which this Act applies such rules (referred to in this Act as special rules) for the conduct and guidance of the persons acting in the management of such mine or employed in or about the same as, under the particular state and circumstances of such mine, may appear best calculated to prevent dangerous accidents, and to provide for the safety and proper discipline of the persons employed in or about the mine, and such special rules, when established, shall be signed by the inspector who is inspector of the district at the time such rules are established, and shall be observed in and about every such mine, in the same manner as if they were enacted in this Act.

If any person who is bound to observe the special rules established for any mine acts in contravention of or fails to comply with any of such special rules, he shall be

guilty of an offence against this Act, and also the owner, agent, and manager of such mine, unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing the said rules as regulations for the working of the mine so as to prevent such contravention or non-compliance, shall each be guilty of an offence against this Act.

Establishment of new special rules.

53. The owner, agent, or manager of every mine to which this Act applies shall frame and transmit to the inspector of the district, for approval by a Secretary of State, special rules for such mine within three months after the commencement of this Act, or within three months after the commencement (if subsequent to the commencement of this Act) of any working for the purpose of opening a new mine or of renewing the working of an old mine.

The proposed special rules, together with a printed notice specifying that any objection to such rules on the ground of anything contained therein or omitted therefrom may be sent by any of the persons employed in the mine to the inspector of the district, at his address stated in such notice, shall, during not less than two weeks before such rules are transmitted to the inspector, be posted up in like manner as is provided in this Act respecting the publication of special rules for the information of persons employed in the mine, and a certificate that such rules and notice have been so posted up shall be sent to the inspector with the rules, signed by the person sending the same.

If the rules are not objected to by the Secretary of State within forty days after their receipt by the inspector, they shall be established.

Secretary of State may object to special rules.

54. If the Secretary of State is of opinion that the proposed special rules so transmitted, or any of them, do not sufficiently provide for the prevention of dangerous accidents in the mine, or for the safety of the persons employed in or about the mine, or are unreasonable, he may, within forty days after the rules are received by the inspector, object to the rules, and propose to the owner, agent, or manager in writing any modifications in the rules by way either of omission, alteration, substitution, or addition.

If the owner, agent, or manager does not, within twenty days after the modifications proposed by the Secretary of State are received by him, object in writing to them, the proposed special rules, with such modifications, shall be established.

If the owner, agent, or manager sends his objection in writing within the said twenty days to the Secretary of State, the matter shall be referred to arbitration, and the date of the receipt of such objection by the Secretary of State shall be deemed to be the date of the reference, and the rules shall be established as settled by an award on arbitration.

Amendment of special rules.

55. After special rules are established under this Act in any mine, the owner, agent, or manager of such mine may from time to time propose in writing to the inspector of the district, for the approval of a Secretary of State, any amendment of such rules or any new special rules, and the provisions of this Act with respect to the original special rules shall apply to all such amendments and new rules in like manner, as near as may be, as they apply to the original rules.

A Secretary of State may from time to time propose in writing to the owner, agent, or manager of the mine any new special rules, or any amendment to the special rules, and the provisions of this Act with respect to a proposal of a Secretary of State for modifying the special rules transmitted by the owner, agent, or manager of a mine shall apply to all such new special rules and amendments in like manner, as near as may be, as they apply to such proposal.

As to false statements, and neglect of transmission of special rules to the inspector.

56. If the owner, agent, or manager of any mine to which this Act applies makes any false statement with respect to the posting up of the rules and notices, he shall be guilty of an offence against this Act, and if special rules for any mine are not transmitted within the time limited by this Act to the inspector for the approval of a Secretary of State, the owner, agent, and manager of such mine shall each be guilty of an offence against this Act, unless he prove that he had taken all reasonable means, by enforcing to the best of his power the provisions of this section, to secure the transmission of such rules.

Publication of special rules.

57. For the purpose of making known the special rules and the provisions of this Act to all persons employed in and about each mine to which this Act applies, an abstract of the Act supplied, on the application of the owner, agent, or manager of the mine, by the inspector of the district on behalf of a Secretary of State, and an entire copy of the special rules shall be published as follows:

(1.) The owner, agent, or manager of such mine shall cause such abstract and rules, with the name and address of the inspector of the district, and the name of the owner or agent and of the manager appended thereto, to be posted up in legible characters, in some conspicuous place at or near the mine, where they may be conveniently read 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:

(2.) The owner, agent, or manager shall supply a printed copy of the abstract and the special rules gratis to each person employed in or about the mine who applies for such copy at the office at which the persons immediately employed by such owner, agent, or manager are paid:

(3.) Every copy of the special rules shall be kept distinct from any rules which depend only on the contract between the employer and employed.

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; but the owner, agent, or manager of such mine shall not be deemed guilty if he prove 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.

Defacing notices.

58. Every person who pulls down, injures, or defaces any proposed special rules, notice, abstract, or special rules when posted up in pursuance of the provisions of this Act with respect to special rules, or any notice posted up in pursuance of the special rules, shall be guilty of an offence against this Act.

Certified copy of special rules to be evidence.

59. An inspector under this Act shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules, which for the time being are established under this Act in any mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) of such special rules and of the fact that they are duly established under this Act and have been signed by the inspector.

PART III.

Supplemental.

Penalties.

Penalty for offences against Act.

60. 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.

Every person who is guilty of an offence against this Act shall be liable to a penalty not exceeding, if he is an owner, agent, or manager, twenty pounds, and if he is any other person, two pounds, for each offence; and if the inspector has given written notice of any such offence, to a further penalty not exceeding one pound for every day after such notice that such offence continues to be committed.

Imprisonment for wilful neglect endangering life or limb.

61. Where a person who is an owner, agent, or manager of or a person employed in or about a mine is guilty of any offence against this Act, which, in the opinion of the court that tries the case, is one which was reasonably calculated 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 pecuniary penalty will not meet the circumstances

of the case, to imprisonment, with or without hard labour, for a period not exceeding three months.

If any person feel aggrieved by any conviction made by a court of summary jurisdiction on determining any information under this Act, by which conviction imprisonment is adjudged in pursuance of this section, or by which conviction the sum adjudged to be paid amounts to or exceeds half the maximum penalty, the person so aggrieved may appeal therefrom, subject to the conditions and regulations following:

(1.) The appeal shall be made to the next court of general or quarter sessions for the county, division, or place in which the cause of appeal has arisen, holden not less than twenty-one days after the decision of the court from which the appeal is made:

(2.) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction, of his intention to appeal, and of the ground thereof:

(3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow:

(4.) The justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody:

(5.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

Provided that in Scotland—

(1.) This section shall not apply to any conviction made by a sheriff:

(2.) The term "entering into a recognizance before a justice of the peace" shall mean finding caution with the clerk of the justices of the peace to the satisfaction of a justice of the peace, and the term "recognizance" shall mean a bond of caution:

(3.) In Scotland it shall be competent to any person empowered to appeal by this section, to appeal against a conviction by a sheriff to the next circuit court, or where there are no circuit courts to the high court of justiciary at Edinburgh, in the manner prescribed by such of the provisions of the Act of the twentieth year of the reign of King George the Second, chapter forty-three, and any Acts amending the same, as relate to appeals in matters criminal, and by and under the rules, limitations, conditions, and restrictions contained in the said provisions.

Summary proceedings for offences, penalties, &c.

62. All offences under this Act not declared to be misdemeanours, and all penalties under this Act, and all money and costs by this Act directed to be recovered as penalties, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction.

Proceedings for the removal of a check weigher shall be deemed to be a matter on which a court of summary jurisdiction has authority by law to make an order in pursuance of the Summary Jurisdiction Acts, and summary orders under this Act may be made on complaint before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

The "Court of Summary Jurisdiction," when hearing and determining an information or complaint, shall be constituted—

(*a.*) In England, either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace and sitting alone or with others at some court or other place appointed for the administration of justice; or,

(*b.*) In Scotland, of two or more justices of the peace sitting as judges in a justice of the peace court, or of the sheriff or some other magistrate or officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace, and sitting alone or with others at some court or other place appointed for the administration of justice; or,

(*c.*) In Ireland, within the police district of Dublin metropolis, of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions.

General provisions as to summary proceedings.

63. In every part of the United Kingdom the following provisions shall have effect:

1. Any complaint or information made or laid in pursuance of this Act shall be made or laid within three months from the time when the matter of such complaint or information respectively arose:
2. The description of any offence under this Act in the words of this Act shall be sufficient in law:
3. Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant:
4. The owner, agent, or manager may, if he think fit, be sworn and examined as an ordinary witness in the case where he is charged in respect of any contravention or non-compliance by another person:
5. The court shall, if required by either party, cause minutes of the evidence to be taken and preserved:
6. A court of summary jurisdiction shall not impose a penalty under this Act exceeding fifty pounds, but any such court may impose that or any less penalty for any one offence, notwithstanding the offence involves a penalty of higher amount.

Prosecution for offences.

64. No prosecution shall be instituted against the owner, agent, or manager of a mine to which this Act applies for any offence under this Act which can be prosecuted before a court of summary jurisdiction, except by an inspector or with the consent in writing of a Secretary of State; and in the case of any offence of which the owner, agent, or 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, or manager, if satisfied that he had taken such reasonable means as aforesaid.

Summary proceedings for offences in Scotland.

65. In Scotland the following provisions shall have effect:

(1.) All jurisdictions, powers, and authorities necessary for the court of summary jurisdiction under this Act are hereby conferred on that court:

(2.) Every person found liable under this Act by a court of summary jurisdiction in any penalty, or to pay any money or costs by this Act directed to be recovered as penalties, shall be liable in default of immediate payment to be imprisoned for a term not exceeding three months, and the conviction and warrant may be in the form of No. 3 of Schedule K. of the Summary Procedure Act, 1864:

(3.) In Scotland any penalty exceeding fifty pounds shall be recovered and enforced in the same manner in which any penalty due to Her Majesty under any Act of Parliament may be recovered and enforced.

Persons not to be punished twice for the same offence.

66. Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

If the court before whom a person is charged with an offence under this Act think that proceedings ought to be taken against such person for such offence under any other Act or otherwise, the court may adjourn the case to enable such proceedings to be taken.

Owner of mine, &c. not to act as justices, &c. in proceedings under this Act.

67. A person who is the owner, agent, or manager of any mine to which this Act applies, or the father, son, or brother of such owner, agent, or manager, shall not act as a court or member of a court of summary jurisdiction in respect of any offence under this Act.

Application of penalties.

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

Provided that—

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

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

Save as aforesaid, all penalties imposed in pursuance of this Act shall be paid into the receipt of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund.

In Ireland all penalties imposed and recovered under this Act shall be applied in manner directed by the Fines Act (Ireland), 1851, and any Act amending the same.

Return as in Sched. Four to be sent to inspector of district.

69. The owner, occupier, or manager of every mine shall on the first of January every year, and at any other time when required by the Secretary of State, send to the inspector of his district a return of facts relating to his mine in the form given in Schedule Four.

Miscellaneous.

As to question whether a mine is a mine under this Act.

70. If any question arises whether a mine is a mine to which this Act or the Metalliferous Mines Regulation Act, 1872, applies, such question shall be referred to a Secretary of State, whose decision thereon shall be final.

Notices may be served by post.

71. All notices under this Act shall be in writing or print, or partly in writing and partly in print, 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 by a prepaid letter, and, if served or sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of 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.

Interpretation of terms.

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

The term "mine" includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven for commencing or opening any mine, or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways, and sidings, both below ground and above ground, in and adjacent to a mine and any such shaft, level, and inclined plane, and belonging to the mine:

The term "shaft" includes pit:

The term "plan" includes a map and section, and a correct copy or tracing of any original plan as so defined:

The term "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 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 license 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:

The term "agent," when used in relation to any mine, means any person having, on behalf of the owner, care or direction of any mine, or of any part thereof, and superior to a manager appointed in pursuance of this Act:

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

The term "child" means a child under the age of thirteen years:
The term "young person" means a person of the age of thirteen years and under the age of sixteen years:
The term "woman" means a female of the age of sixteen years and upwards:
The term "Summary Jurisdiction Acts" means, as follows:
As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the "performance of the duties of justices of the peace out of sessions within England "and Wales with respect to summary convictions and orders," and any Acts amending the same:
As to Scotland, "The Summary Procedure Act, 1864:"
As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere, "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same:
The term "Court of Summary Jurisdiction" means—
In England and Ireland, any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:
In Scotland, any justice or justices of the peace, sheriff, or other magistrate, to the proceedings before whom for the trial or prosecution of any offence, or for the recovery of any penalty under any Act of Parliament, the provisions of the Summary Jurisdiction Acts may be applied.

Application of Act to Scotland.

73. In the application of this Act to Scotland—
(1.) The term "Attorney General" means the Lord Advocate:
(2.) The term "injunction" means interdict:
(3.) The term "misdemeanour" means "crime and offence:"
(4.) The term "chairman of quarter sessions" means the sheriff of the county:
(5.) The term "sheriff" includes sheriff substitute:
(6.) The term "attending on subpœna before a court of record" means attending on citation the Court of Justiciary:
(7.) The Queen's and Lord Treasurer's Remembrancer shall perform the duties of a master of one of the superior courts under this Act:
(8.) The term "stipendiary magistrate" means a sheriff or sheriff substitute:
(9.) Notices of explosions, accidents, loss of life, or personal injury shall be deemed to be sent to the inspector of the district on behalf of the Lord Advocate:
(10.) Section sixteen of "The Public Health (Scotland) Act, 1867," shall be substituted for "section eight of the Nuisances Removal Act for England, 1855, as amended "and extended by the Sanitary Act, 1866."

Existing inspectors to continue to act.

74. The persons who at the commencement of this Act are acting as inspectors under the Acts hereby repealed shall continue to act in the same manner as if they had been appointed under this Act.

Continuance of existing special rules.

75. The special rules which at the commencement of this Act are in force under any Act hereby repealed in any mine to which this Act applies shall continue to be the special rules in such mine until special rules are established under this Act for such mine, and while they so continue shall be of the same force as if they were established under this Act.

Repeal of Acts as in Schedule Three.

76. The Acts described in Schedule Three to this Act are hereby repealed to the extent in the third column of that Schedule mentioned.
Provided that this repeal shall not affect anything done or suffered before the commencement of this Act, and all offences committed and penalties incurred before the commencement of this Act may be punished and recovered in the same manner as if this Act had not passed.

SCHEDULES.

SCHEDULE ONE.

Table of maximum Fees to be paid in respect of Certificates of Managers of Mines.

By an applicant for examination - - - -	Two pounds.
By applicant for certificate of service for registration -	Five shillings.
For copy of certificate - - - - -	Five shillings.

SCHEDULE TWO.

Proceedings of Board for Examinations.

1. The board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the board, as they think fit, subject to the following conditions :—

(a.) The first meeting shall be summoned by the inspector of the district, and shall be held on such day as may be fixed by a Secretary of State ;

(b.) An extraordinary meeting may be held at any time on the written requisition of three members of the board addressed to the chairman ;

(c.) The quorum to be fixed by the board shall consist of not less than three members ;

(d.) Every question shall be decided by a majority of votes of the members present and voting on that question ;

(e.) The names of the members present, as well as of those voting upon each question, shall be recorded ;

(f.) No business shall be transacted unless notice in writing of such business has been sent to every member of the board seven days at least before the meeting.

2. The board shall from time to time appoint some person to be chairman, and one other person to be vice-chairman.

3. If at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be the chairman of the meeting, and if neither the chairman nor vice-chairman shall be present, then the members present shall choose some one of their number to be chairman of such meeting.

4. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

5. The appointment of an examiner may be made by a minute of the board signed by the chairman.

6. The board shall keep minutes of their proceedings, which may be inspected or copied by a Secretary of State, or any person authorised by him to inspect or copy the same.

SCHEDULE THREE.

Date of Act.	Title of Act.	Extent of Repeal.
5 & 6 Vict. c. 99. - -	An Act to prohibit the employment of women and girls in mines and collieries, to regulate the employment of boys, and to make other provisions relating to persons working therein.	The whole Act so far as it relates to mines to which this Act applies.
23 & 24 Vict. c. 151. -	An Act for the regulation and inspection of mines.	Sections one to five, both inclusive, so far as they relate to mines to which this Act applies, and the residue of the Act entirely.
25 & 26 Vict. c. 79. -	An Act to amend the law relating to coal mines.	The whole Act.

SCHEDULE FOUR.

MINES REGULATION AND INSPECTION.

Annual Return from Owner or Agent.

Name of Colliery . . . . . .

Name of Pit . . . . . Name of Seam . . . . . .

Year ending the . . . . day of . . . . . 187 .

Average Number of Persons employed daily.		Mode of Ventilation.	Furnace or Fan, with Description.	Diameter and Depth of downcast and upcast Shafts.				Number of Splits and Quantity.		Average Length of Airways.	Sectional Area of Airways.	Average Total Quantity of fresh Air in cubic feet per minute.
				Downcast.		Upcast.						
Above Ground.	Under Ground.			Diameter in feet.	Depth in feet.	Diameter in feet.	Depth in feet.	Splits.	Quantity in cubic feet per minute.			