"Creditors generally" includes all creditors who may assent or take the benefit of a Deed of Arrangement;

"Person" includes a body of persons corporate or unincorporate;

"Prescribed" means prescribed by rules to be made under this Act;

"Property" has the same meaning as the same expression has in the Bankruptcy Act, 1883;

"Rules" includes forms.

CHAPTER 58.

An Act to consolidate with amendments the Coal Mines Acts, 1872 and 1886, and the Stratified Ironstone Mines (Gunpowder) Act, 1881. [16th September 1887.]

35 & 36 Vict. c. 76. 49 & 50 Vict. c. 40. 44 & 45 Vict. c. 26.

WHEREAS it is expedient to repeal and re-enact with amendments the Coal Mines Acts, 1872 and 1886, and the Stratified Ironstone Mines (Gunpowder) Act, 1881:

Be it therefore 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.

Short title.

1. This Act may be cited as the Coal Mines Regulation Act, 1887.

ment of Act.

2. This Act shall not come into operation until the first day of January one thousand eight hundred and eighty-eight, which date is in this Act referred to as the commencement of this Act.

Application of Act.

3. This Act shall apply to mines of coal, mines of stratified ironstone, mines of shale, and mines of fire-clay; and in this Act, unless the context otherwise requires, the word "mine" means a mine to which this Act applies.

PART I.

and Women.

below ground of boys under twelve and of girls and women prohibited.

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

Hours of employment of boys over twelve below ground.

5. A boy of or above the age of twelve years shall not be employed in or allowed to be for the purpose of employment in any mine below ground for more than fifty-four hours in any one week, nor more than ten hours in any one day, nor otherwise than in accordance with the regulations herein-after contained with respect to the employment of boys in a mine below ground.

Regulations to employment of boys below ground.

6. With respect to the employment of boys 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.

Employment of women and girls above ground.

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

(1.) No boy or girl under the age of twelve years shall be so employed:

(2.) No boy or girl under the age of thirteen years shall be so employed—

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

(*b.*) if 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:

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

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

(5.) There shall be allowed an interval of not less than eight hours between the termination of employment on Friday and the commencement of employment on the following Saturday, and in other cases of not less than twelve hours between the termination of employment on one day, and the commencement of the next employment:

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

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

(8.) No boy, girl, or woman shall be employed in moving railway waggons.

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

Register to be kept of boys, girls, and women employed.

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

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

Penalty for employment of persons in contravention of Act.

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

Payment of school fees out of wages.

10. (1.) After a request in writing by the principal teacher of a public elementary school which is attended by any boy or girl employed in or in connexion with a mine, the person who pays the wages of the boy or girl shall as long as he employs the boy or girl pay to the principal teacher of that school, for every week that the boy or girl attends the 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 or girl, and may deduct the sum so paid by him from the wages payable for the services of the boy or girl.

(2.) If any person after such application refuses to pay on demand any sum that becomes due as aforesaid, he shall be liable to a penalty not exceeding ten shillings.

Wages.

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

11. (1.) No wages shall be paid to any person employed in or about any mine 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.

(2.) Every person who contravenes or fails to comply with or permits any person to contravene or fail to comply with this section shall be guilty of an offence against this Act; and in the event of

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

Payment of persons employed in mines by weight.

12. (1.) Where the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, those persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten, and the mineral gotten by them shall be truly weighed at a place as near to the pit mouth as is reasonably practicable.

Provided that nothing in this section shall preclude the owner agent or manager of the mine from agreeing with the persons employed in the mine that deductions shall be made in respect of stones or substances other than the 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 in such special mode as may be agreed upon between the owner agent or manager of the mine on the one hand, and the persons employed in the mine on the other, or by some person appointed in that behalf by the owner agent or manager, or (if any check weigher is stationed for this purpose as herein-after mentioned), by such person and such check weigher, or in case of difference by a third person 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, or in default of agreement appointed by a chairman of a court of quarter sessions within the jurisdiction of which any shaft of the mine is situate.

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

(3.) Where it is proved to the satisfaction of a Secretary of State, in the case of any mine or class of mines employing not more than thirty persons underground, to be expedient that the persons employed therein should, upon the joint representation of the owner or owners of any such mine or class of mines and the said persons, be paid by any method other than that provided by this Act, such Secretary of State may, if he think fit, by order allow the same either without conditions or during the time and on the conditions specified in the order.

Appointment on part of men.

13. (1.) The persons who are employed in a mine, and are paid according to the weight of the mineral gotten by them, may, at

and removal, of check weigher.

their own cost, station a person (in this Act referred to as "a check weigher") at each place appointed for the weighing of the mineral, and at each place appointed for determining the deductions in order that he may on behalf of the persons by whom he is so stationed take a correct account of the weight of the mineral or determine correctly the deductions as the case may be.

(2.) A check weigher shall have every facility afforded to him for enabling him to fulfil the duties for which he is stationed, including facilities for examining and testing the weighing machine, and checking the tareing of tubs and trams where necessary; and if at any mine proper facilities are not afforded to a check weigher as required by this section, the owner agent and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to enforce to the best of his power the requirements of this section.

(3.) A check weigher shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the weighing, or with any of the workmen or with the management of the mine; but shall be authorised only to take such account or determine such deductions as aforesaid, and the absence of a check weigher from the place at which he is stationed shall not be a reason for interrupting or delaying the weighing or the determination of deductions at such place respectively, but the same shall be done or made by the person appointed in that behalf by the owner agent or manager unless the absent check weigher had reasonable ground to suppose that the weighing or the determination of the deductions, as the case may be, would not be proceeded with: Provided always, that nothing in this section shall prevent a check weigher giving to any workman an account of the mineral gotten by him, or information with respect to the weighing, or the weighing machine, or the tareing of the tubs or trams, or with respect to the deductions or any other matter within the scope of his duties as check weigher, so always, nevertheless, that the working of the mine be not interrupted or impeded.

(4.) If the owner agent or manager of the mine desires the removal of a check weigher on the ground that the check weigher has impeded or interrupted the working of the mine, or interfered with the weighing, or with any of the workmen, or with the management of the mine, or has at the mine to the detriment of the owner agent or manager done anything beyond taking such account determining such deductions or giving such information as aforesaid, he may complain to a court of summary jurisdiction, who, if of opinion that the owner agent or manager shows sufficient primâ facie ground for the removal of the check weigher, shall call on the check weigher to show cause against his removal.

(5.) 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.

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

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

(8.) If the person appointed by the owner, agent, or manager to weigh the mineral impedes or interrupts the check weigher in the proper discharge of his duties, or improperly interferes with or alters the weighing machine or the tare in order to prevent a correct account being taken of the weighing and tareing, he shall be guilty of an offence against this Act.

Remuneration of check weigher.

14. (1.) Where a check weigher has been appointed by the majority, ascertained by ballot, of the persons employed in a mine who are paid according to the weight of the mineral gotten by them, and has acted as such, he may recover from any person for the time being employed at such mine and so paid, his proportion of the check weigher's wages or recompense, notwithstanding that any of the persons by whom the check weigher was appointed may have left the mine or others have entered the same since the check weigher's appointment, any rule of law or equity to the contrary notwithstanding.

(2.) It shall be lawful for the owner or manager of any mine, where the majority of the before-mentioned persons, ascertained as aforesaid, so agree, to retain the agreed contribution of the persons so employed and paid as aforesaid for the check weigher, notwithstanding the provisions of the Acts relating to truck, and to pay and account for the same to the check weigher.

Application of 41 & 42 Vict. c. 49. to weights, &c. used in mines.

15. (1.) The Weights and Measures Act, 1878, shall apply to all weights, balances, scales, steelyards, and weighing machines used at any mine for determining the wages payable to any person employed in the mine according to the weight of the mineral gotten by him, in like manner as it applies to weights, balances, scales, steelyards, and weighing machines used for trade.

(2.) An inspector of weights and measures appointed under the said Act shall once at least in every six months inspect and examine in manner directed by the said Act the weights, balances, scales, steelyards, and weighing machines used or in the possession of any person for use as aforesaid at any mine within his district; and shall also make such inspection and examination at any other time in any case where he has reasonable cause to believe that there is in use at the mine any false or unjust weight, balance, scale, steelyard, or weighing machine.

(3.) The inspector shall also inspect and examine the measures and gauges in use at the mines within his district; but nothing in this section shall prevent or interfere with the use of the measures or gauges ordinarily used at the mine.

(4.) An inspector may, for the purposes of this section, without any authorisation from a justice of the peace, exercise at or in any mine, as respects all weights, measures, scales, balances, steelyards, and weighing machines used or in the possession of any person for use at or in that mine, all such powers as he could exercise, if

authorised in writing by a justice of the peace, under section forty-eight of the Weights and Measures Act, 1878, with respect to any such weights, measures, scales, balances, steelyards, and weighing machines as therein mentioned; and all the provisions of that section, including the liability to penalties, shall apply to such inspection.

(5.) The inspector of weights and measures shall not, in fulfilling the duties required of him under this section, impede or obstruct the working of the mine.

Single Shafts.

Prohibition of single shafts.

16. (1.) After the commencement of this Act the owner agent or manager of a mine shall not employ any person in the mine, or permit any person to be in the mine for the purpose of employment therein, unless the following conditions respecting shafts or outlets are complied with, that is to say,—

(*a*.) There must be at least two shafts or outlets, with which every seam for the time being at work in the mine shall have a communication, so that such shafts or outlets shall afford separate means of ingress and egress available to the persons employed in every such seam, whether the shafts or outlets belong to the same mine or to more than one mine:

(*b*.) Such shafts or outlets must not at any point be nearer to one another than fifteen yards; and there shall be between such two shafts or outlets a communication not less than four feet wide and three feet high, and in the case of communications made after the commencement of this Act between shafts or outlets, not less than four feet high.

(*c*.) Proper apparatus for raising and lowering persons at each such shaft or outlet shall be kept on the works belonging to the mine; and such apparatus if not in actual use at the shafts or outlets, shall be constantly available for use.

(2.) 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.

(3.) Any of Her Majesty's superior courts, whether any other proceedings have or have not been taken, may, on the application of the Attorney General, prohibit by injunction the working of any mine 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.

(4.) 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 the mine not less than ten days before the application is made.

Agreements not to preclude compliance with Act.

17. 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 shafts.

18. The foregoing provisions of this Act with respect to shafts or outlets shall not apply—

(i.) In the case of a new mine being opened—

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

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

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

(ii.) To any proved mine so long as it is exempted by order of 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 sinking or making a second shaft or outlet, or by establishing communication with a second shaft or outlet, in any case where such communication existed and has become unavailable; or

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

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

(iii.) To any mine—

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

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

so long as the mine is exempted by order of a Secretary of State, and as the conditions (if any) annexed to the order of exemption are duly observed. The provision in this Act requiring the two shafts or outlets of a mine to be separated by a distance of not less than fifteen yards shall not apply to any mine which is provided with two shafts sunk before the first day of January one thousand eight hundred and sixty-five but at that time separated by a distance of less than ten feet, or commenced to be sunk before the commencement of this Act but separated by a distance of more than ten feet and less than fifteen yards.

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

Division of Mine into Parts.

Division of mine into parts.

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

(2.) If a Secretary of State is of opinion that the division of a mine in pursuance of this section tends to lead to evasion of the provisions of this Act, or otherwise to prevent the carrying of this Act into effect, he may object to the division by notice served on the owner agent or manager of the mine; and the owner agent or manager, if he declines to acquiesce in such objection, may, within twenty days after receipt of the 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 of mine.

20. (1.) Every mine shall be under a manager, who shall be responsible for the control, management, and direction of the mine, and the owner or agent of every such mine shall nominate himself or some other person to be the manager of such mine, and shall send written notice to the inspector of the district of the manager's name and address.

(2.) A person shall not be qualified to be a manager of a mine unless he is for the time being registered as the holder of a first class certificate under this Act.

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

Provided that

(*a.*) The owner of the mine shall not be liable to any such fine if he proves 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 the 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 in the district wherein the mine is situate of obtaining by examination a certificate under this Act, and shall send to the inspector of the district a written notice of the manager's name and address, and of the reason for his appointment; and

(*c.*) A mine in which not more than thirty persons are employed below ground 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 the mine, requires that it be under the control of a manager.

Daily supervision of mine by manager or under-manager.

21. (1.) In every mine required by this Act to be under the control of a certificated manager, daily personal supervision shall be exercised either by the manager, or by an under-manager nominated in writing by the owner or agent of the mine.

(2.) Every person so nominated must hold either a first class or second class certificate under this Act, and shall, in the absence of the manager, have the same responsibility, and be subject to the same liabilities as the manager under this Act; but the nomination of an under-manager shall not affect the personal responsibility of the manager under this Act.

Disqualifications for post of manager or under-manager.

22. A contractor for mineral, or person employed by such a contractor, is not eligible for the post of manager or under-manager under this Act.

Constitution of board for appointing examiners for granting certificates of competency to managers and under-managers.

23. (1.) There shall be two descriptions of certificates of competency under this Act, (i) first class certificates, that is to say, certificates of fitness to be manager, and (ii) second class certificates, that is to say, certificates of fitness to be under-manager; but no person shall be entitled to a certificate under this Act unless he shall have had practical experience in a mine for at least five years.

(2.) For the purpose of granting in any part of the United Kingdom, to be from time to time defined by an order of a Secretary of State, certificates of competency for the purposes of this Act, examiners shall be appointed by a board consisting of—

(*a.*) Three persons being owners of mines in the said part of the United Kingdom, and

(*b.*) Three persons employed or who have been employed in or about any mine in the said part of the United Kingdom, not being owners agents or managers of a mine; and

(*c.*) Three persons practising as mining engineers agents or managers of mines, or coal viewers in the said part of the United Kingdom, and

(*d.*) One inspector under this Act.

(3.) The members of the board shall be appointed and may be removed by a Secretary of State, and shall hold office during his pleasure.

Proceedings and powers of board for appointing examiners.

24. (1.) The proceedings of each board shall be in accordance with the rules contained in schedule one to this Act.

(2.) Each 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 the 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 that part of the United Kingdom, and that the examination and qualifications of applicants for second class certificates shall be suitable for practical working miners.

(3.) Each board shall make from time to time to a Secretary of State a report of their proceedings, and of such other matters as a Secretary of State may from time to time require.

Rules by Secretary of State as to examination

25. 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 two to this Act. Every such rule shall be observed by every board appointed under this Act to which it applies.

Grant of certificates to applicants on passing examination

26. (1.) 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.

(2.) 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.

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

27. If at any time representation is made to a Secretary of State by an inspector or otherwise that any manager or under-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 the Act the Secretary of State may if he think fit cause inquiry to be made into the conduct of the manager or under-manager, and with respect to every 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 or under-manager a statement of the case on which the inquiry is instituted:

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

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

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

(6.) The court shall have power to cancel or suspend the certificate of the manager or under-manager, if it finds 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 it thinks fit require a manager or under-manager to deliver up his certificate, and if any manager or under-manager fails, without sufficient cause to the satisfaction of the court, to comply with such requisition, he shall be liable to a fine 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 certificate according to its 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 signed by the court, require the attendance of all such persons as it thinks fit to summon 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 Her Majesty's superior courts who on request signed by the court shall ascertain and certify the proper amount of such expenses.

Costs and expenses of inquiry.

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

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

(3.) 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.

Record of cancellation of certificate restoration in certain cases.

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

(2.) 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 thinks fit, any certificate which has been cancelled or suspended in pursuance of this Act and cause the renewal or restoration to be recorded in the register aforesaid.

Copy of certificate in case of loss.

30. 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 granted to him under this Act, the Secretary of State shall, on payment of such fee, if any, as he may direct but not exceeding the fee specified in schedule two 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 in relation to certificates, and application of fees.

31. (1.) All expenses incurred by a Secretary of State with the concurrence of the Treasury in carrying into effect the provisions of this Act with respect to certificates of competency shall be defrayed out of moneys provided by Parliament.

(2.) 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, or false declaration as to, certificate.

32. 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 under this Act, or in any certificate of service granted under this Act or any Act repealed by this Act, or any official copy of any such certificate, or

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

(3.) For the purpose of obtaining, for himself or any other person, employment as a certificated manager or undermanager, 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, Plan, Notices, and Abandonment

Returns by owner agent or manager of mine.

33. (1.) On or before the twenty-first day of January in every year the owner agent or manager of every mine shall send to the inspector of the 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 particulars contained in the form in Schedule Three to this Act, or in such other form as may from time to time be prescribed in lieu of that form by a Secretary of State: Provided that in the case of any mine which is not required by this Act to be under the control of a certificated manager, a return shall not be required of the particulars contained in Part B of the said form unless or until a Secretary of State otherwise prescribes.

(2.) Forms for the purpose of the returns required by this section shall from time to time, on application, be furnished by the inspector of the district on behalf of the Secretary of State.

(3.) The Secretary of State may publish the aggregate results of the returns made under this section with respect to any particular county or inspector's district, or any large portion of a county or inspector's district, and so much of any individual return as does not relate to the quantity of mineral gotten or wrought,

but the portion of any individual return relating to the quantity of mineral gotten or wrought shall not be published without the consent of the person making the return, or of the owner of the mine to which it relates; and no person except an inspector or Secretary of State or any body of commissioners incorporated by Act of Parliament for the drainage of mines, and authorised to assess and levy rates in respect of minerals gotten from such mines, shall be entitled, without such consent, to see such portion as aforesaid of any individual return.

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

Plan of mine to be kept at office.

34. (1.) The owner agent or manager of every mine shall keep in the office at the mine an accurate plan of the workings of the mine, showing the workings up to a date not more than three months previously, and the general direction and rate of dip of the strata, together with a section of the strata sunk through, or if that be not reasonably practicable, a statement of the depth of the shaft, with a section of the seam.

(2.) The owner agent or manager of the mine shall, on request at any time of an inspector under this Act, produce to him at the office at the mine such plan and section, and shall also on the like request mark on such plan and section the then state of the workings of the mine, and the inspector shall be entitled to examine the plan and section, and for official purposes only to make a copy of any part thereof respectively.

(3.) If the owner agent or manager of any mine fails to keep, or wilfully refuses to produce or allow to be examined, the plan and section aforesaid, or wilfully withholds any portion thereof, or wilfully refuses, on request, to mark thereon the state of the workings of the mine, or conceals any part of those workings, or produces an imperfect or inaccurate plan or section, he shall (unless he shows that he was ignorant of the concealment imperfection or inaccuracy) be guilty of an offence against this Act, and further, the inspector may by notice in writing (whether a penalty for the offence has or has not been inflicted) require the owner agent or manager to cause an accurate plan and section, showing the particulars herein-before required, to be made within a reasonable time at the expense of the owner of the mine. Every such plan must be on a scale of not less than that of the Ordnance Survey of twenty-five inches to the mile or on the same scale as the plan for the time being in use at the mine.

(4.) If the owner agent or manager fails within twenty days after the requisition of the inspector, or within such further time as may be allowed by a Secretary of State, to cause such plan and section to be made as hereby required, he shall be guilty of an offence against this Act.

Notice to be given of accidents in mines.

35. (1.) Where in or about any mine, whether above or below ground, either—

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

(ii.) 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 the notice the character of the explosion or accident and the number of persons killed or injured respectively.

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

(3.) Where any personal injury, of which notice is required to be sent under this section results in the death of the person injured, notice in writing of the death shall be sent to the inspector of the 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.

(4.) 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.

36. In any of the following cases, namely

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

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

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

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

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

Fencing in case of abandoned mine.

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

Provided that—

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

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

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

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

(4.) If any occupier of land or other person wilfully obstructs the owner of a mine or other person interested as aforesaid in doing any such acts he shall be guilty of an offence against this Act.

(5.) 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 unenclosed land, shall be deemed to be a nuisance within the meaning of section ninety-one of the Public Health Act, 1875.

38 & 39 Vict. c. 55.

Plan of abandoned mine or seam to be sent to Secretary of State

38. (1.) Where any mine or seam is abandoned, the owner of the mine or seam at the time of its abandonment shall, within three months after the abandonment, send to a Secretary of State an accurate plan showing the boundaries of the workings of the mine or seam up to the time of the abandonment, and the position of the workings with regard to the surfaces, and the general direction and rate of dip of the strata, together with a section of the strata sunk through, or if that is not reasonably practicable, a statement of the depth of the shaft, with a section of the seam. Every such plan must be on a scale of not less than that of the Ordnance Survey of twenty-five inches to the mile, or on the same scale as the plan used at the mine at the time of its abandonment.

(2.) The plan and section shall be 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 or seam, to see the plan when so sent until after the expiration of ten years from the time of the abandonment.

(3.) The owner aforesaid shall also, within three months of the abandonment of the mine or seam, send to the inspector of the district, on behalf of a Secretary of State, a correct return specifying, with respect to the period which has elapsed since the expiration of the year covered by the last annual return made under this Act, the particulars required in that return; and the provisions of this Act with respect to the said annual return shall apply to the return so sent.

(4.) If the owner of a mine or seam fails to comply with this section, he shall be guilty of an offence against this Act, and be liable to a fine not exceeding thirty pounds.

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

Appointment of inspectors of mines.

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

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

(3.) Every such inspector is referred to in this Act as an inspector, and the inspector of a 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.

35 & 36 Vict. c. 77.

(4.) 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.

(5.) The salaries of the inspectors and the expenses incurred by them or by a Secretary of State in the execution of this Act shall continue to be paid out of moneys to be provided by Parliament.

Disqualification of persons as inspectors.

40. Any person who practises or acts as 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, or is a miner's agent or a mine owner (whether the mine is one to which this Act applies or not), shall not act as an inspector of mines under this Act, and no inspector shall be a partner or have any interest direct or indirect in any mine in the district under his charge.

Powers of inspectors.

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

(i.) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with in the case of any mine.

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

(iii.) To examine into and make inquiry respecting the state and condition of any mine, or any part thereof, and the ventilation of the mine, and the sufficiency of the 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, or the

care and treatment of the horses and other animals used in the mine:

(iv.) 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 the mine, shall be guilty of an offence against this Act.

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

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

(2) If the owner agent or manager of the mine objects to remedy the matter complained of in the notice he may, within ten days after receipt of the 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 the objection shall be deemed to be the date of the reference.

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

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

(4) No person shall be precluded by any agreement from doing, or be liable 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 section.

Annual reports of inspectors.

43. Every inspector of a district 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.

Special reports of inspectors.

44. Where in any mine an explosion or accident has caused loss of life or personal injury to any person, a Secretary of State may at any time direct an inspector to make a special report with respect to the explosion or accident

Formal investigation when directed by Secretary of State.

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

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

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

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

(*a*) Power to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purpose

(*b*) Power by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make

(*c*) Power to require the production of all books papers and documents which it considers important for the said purpose

(*d*) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination

(4) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record, and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of Her Majesty's superior courts, who on request, signed by the court, shall ascertain and certify the proper amount of the expenses

(5) The court holding an investigation under this section shall make a report to the Secretary of State, stating the causes of the explosion or accident and its circumstances, and adding any observations which the court thinks right to make:

(6) All expenses incurred in and about an investigation under this section (including the remuneration of any person appointed to act as assessor) shall be deemed to be part of

the expenses of the Secretary of State in the execution of this Act.

(7.) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, shall for every such offence be liable to a fine not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable to a fine not exceeding ten pounds for every day that such failure continues.

Publication of reports.

46. The Secretary of State may cause any special report of an inspector or any report of a court under this part of this Act to be made public at such time and in such manner as he may think fit.

Provisions as to arbitrations.

47. 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 fourteen 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 that party:

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

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

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

(8.) In either of the foregoing cases where an arbitrator is empowered to act singly, on 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 occurred:

(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 on the matter 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 dies or becomes incapable of acting 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 may be appointed by the chairman of the general or quarter sessions of the peace, within the jurisdiction of which the mine or any shaft of the mine is situate:

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

(14.) If a single arbitrator fails 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.) Arrangements shall whenever practicable be made for the matter in difference being heard at the same time before the arbitrators and the umpire:

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

(17.) 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 Her Majesty's superior courts, who, on the written application of either of the parties, shall ascertain and certify the proper amount thereof. 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 fines under this Act:

(18.) Every person who is appointed an arbitrator under this section shall be a practical mining engineer, or a person accustomed to the working of mines, and every person who is appointed an umpire under this section shall be a county court judge, a police or stipendiary magistrate, a recorder of a

borough, or a registrar of a county court, but when an award has been made under this section the arbitrator or umpire who made it shall be deemed to have been duly qualified as provided by this section.

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

48. With respect to coroners' inquests on the bodies of persons whose death may have been caused by explosions or accidents in or about mines, the following provisions shall have effect:

(1.) Where a coroner holds an inquest on the 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 the 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 at such time as to reach the inspector not less than twenty-four hours before the time of holding the same, it shall not be imperative on him to adjourn the inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn:

(5.) An inspector shall be at liberty at any such inquest to examine any witness, subject nevertheless to the 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 defect:

(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.

(8.) Any relative of any person whose death may have been caused by the explosion or accident with respect to which the inquest is being held, and the owner agent or manager of the mine in which the explosion or accident occurred, and any person appointed by the order in writing of the majority of the workmen employed at the said mine, shall be at liberty to

attend and examine any witness, either in person or by his counsel, solicitor, or agent, subject nevertheless to the order of the coroner.

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

PART II.

RULES

General rules:

49. The following general rules shall be observed, so far as is reasonably practicable, in every mine:

Ventilation of mine.

Rule 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 the mine, and the travelling roads to and from those working places shall be in a fit state for working and passing therein.

In the case of mines required by this Act to be under the control of a certificated manager, the quantity of air in the respective splits or currents shall at least once in every month be measured and entered in a book to be kept for the purpose at the mine.

Rule 2. Where a fire is used for ventilation in any mine newly opened after the passing of this Act the return air unless it be so diluted as not to be inflammable shall be carried off clear of the fire by means of a dumb drift or airway.

Rule 3. Where a mechanical contrivance for ventilation is introduced into any mine after the commencement of this Act, it shall be in such position and placed under such conditions as will tend to ensure its being uninjured by an explosion.

Stations and inspection of condition as to ventilation, &c.

Rule 4. 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 the following provisions shall have effect:

(1.) As to inspection before commencing work —

A competent person or competent persons appointed by the owner agent or manager for the purpose not being contractors for getting minerals in the mine shall within such time immediately before the commencement of each shift as shall be fixed by special rules made under this Act inspect every part of the mine situate beyond the station or each of the stations, and in which workmen are to work or pass during that shift, and shall ascertain the condition thereof so far as the presence of gas ventilation, roof and sides, and general safety are concerned.

No workman shall pass beyond any such station until the part of the mine beyond that station has been so examined and stated by such competent person to be safe.

The inspection shall be made with a locked safety lamp, except in the case of any mine in which inflammable gas has not been found within the preceding twelve months.

A report specifying where noxious or inflammable gas, if any, was found present, and what defects (if any) in roofs or sides, and

what (if any) other source of danger were or was observed, shall be recorded without delay in a book to be kept at the mine for the purpose, and accessible to the workmen, and such report shall be signed by, and so far as the same does not consist of printed matter shall be in the handwriting of the person who made the inspection.

For the purpose of the foregoing provisions of this rule, two or more shifts succeeding one another without any interval are to be deemed to be one shift.

(ii.) As to inspection during shifts —

A similar inspection shall be made in the course of each shift of all parts of the mine in which workmen are to work or pass during that shift but it shall not be necessary to record a report of the same in a book: Provided that in the case of a mine worked continuously throughout the twenty-four hours by a succession of shifts, the report of one of such inspections shall be recorded in manner above required.

Inspection of machinery, &c above and below ground.

Rule 5. A competent person or competent persons appointed by the owner agent or manager for the purpose, shall once at least in every twenty-four hours, examine the state of the external parts of the machinery, the state of the guides and conductors in the shafts and the state of the head gear ropes chains and other similar appliances of the mine which are in actual use both above ground and below ground and shall once at least in every week examine the state of the shafts by which persons ascend or descend; and shall make a true report of the result of such examination, and every such report shall be recorded without delay in a book to be kept at the mine for the purpose and shall be signed by the person who made the inspection.

Fencing of entrances.

Rule 6. Every entrance to any place which is not in actual use or course of working and extension shall be properly fenced across the whole width of the entrance so as to prevent persons inadvertently entering the same.

Withdrawal of workmen in case of danger.

Rule 7. 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 inflammable gases prevailing in the mine or that part thereof or of any cause whatever, the mine or that part is dangerous, every workman shall be withdrawn from the mine or part so found dangerous and a competent person appointed for the purpose shall inspect the mine or part so found dangerous and if the danger arises from inflammable gas shall inspect the mine or part with a locked safety lamp, and in every case shall make a true report of the condition of the mine or part; 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 re-admitted into the mine, or part so found dangerous until the same is stated by the person appointed as aforesaid 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 who made the inspection.

Use of safety lamps in certain places.

Rule 8. No lamp or light other than a locked safety lamp shall be allowed or used—

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

(*b.*) In any working approaching near a place in which there is likely to be an accumulation of inflammable gas.

And when it is necessary to work the coal in any part of a ventilating district with safety lamps, it shall not be allowable to work the coal with naked lights in another part of the same ventilating district situated between the place where such lamps are being used and the return airway.

Construction of safety lamps

Rule 9 Wherever safety lamps are used, they shall be so constructed that they may be safely carried against the air current ordinarily prevailing in that part of the mine in which the lamps are for the time being in use, even though such current should be inflammable.

Examination of safety lamps

Rule 10 In any mine or part of a mine in which safety lamps are required by this Act or by the special rules made in pursuance of this Act to be used—

(i.) A competent person appointed by the owner agent or manager for the purpose, shall, either at the surface or at the appointed lamp station, examine every safety lamp immediately before it is taken into the workings for use, and ascertain it to be in safe working order and securely locked; and such lamps shall not be used until they have been so examined and found in safe working order and securely locked:

(ii.) A safety lamp shall not be unlocked except either at the appointed lamp station or for the purpose of firing a shot, in conformity with the provisions herein-after contained:

(iii.) A person, unless he has been appointed either for the purpose of examining safety lamps or for the purpose of firing shots, shall not have in his possession any contrivance for opening the lock of any safety lamp:

(iv.) A person shall not have in his possession any lucifer match or apparatus of any kind for striking a light, except within a completely closed chamber attached to the fuse of the shot.

Lamp stations

Rule 11. Where safety lamps are required to be used, the position of the lamp stations for lighting or re-lighting the lamps shall not be in the return air.

Use of explosives below ground.

Rule 12. Any explosive substance shall only be used in the mine below ground as follows:

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

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

Provided that on the application of the owner agent or manager of any mine, the Secretary of State may by order exempt such mine from so much of this rule as forbids taking an explosive substance into the mine except in cartridges.

(*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 the process of charging or stemming for blasting, a person shall not use or have in his possession any iron or steel pricker,

scraper, charger, tamping rod, or stemmer, nor shall coal or coal dust be used for tamping:

(*e.*) No explosive shall be forcibly pressed into a hole of insufficient size, and, when a hole has been charged, the explosive shall not be unrammed, and no hole shall be bored for a charge at a distance of less than six inches from any hole where the charge has missed fire:

(*f.*) In any place in which the use of a locked safety lamp is for the time being required by or in pursuance of this Act, or which is dry and dusty, no shot shall be fired except by or under the direction of a competent person appointed by the owner agent or manager of the mine, and such person shall not fire the shot or allow it to be fired until he has examined both the place itself where the shot is to be fired and all contiguous accessible places of the same seam within a radius of twenty yards, and has found such place safe for firing:

(*g.*) If in any mine, at either of the four inspections under rule 4 recorded last before a shot is to be fired, inflammable gas has been reported to be present in the ventilating district in which the shot is to be fired, the shot shall not be fired —

(1.) Unless a competent person, appointed as aforesaid, has examined the place where gas has been so reported to be present, and has found that such gas has been cleared away, and that there is not at or near such place sufficient gas issuing or accumulated to render it unsafe to fire the shot; or

(2.) Unless the explosive employed in firing the shot is so used with water or other contrivance as to prevent it from inflaming gas, or is of such a nature that it cannot inflame gas.

(*h.*) If the place where a shot is to be fired is dry and dusty, then the shot shall not be fired unless one of the following conditions is observed, that is to say—

(1.) Unless the place of firing and all contiguous accessible places within a radius of twenty yards therefrom are at the time of firing in a wet state from thorough watering or other treatment equivalent to watering, in all parts where dust is lodged, whether roof, floor, or sides; or

(2.) In the case of places in which watering would injure the roof or floor, unless the explosive is so used with water or other contrivance as to prevent it from inflaming gas or dust, or is of such a nature that it cannot inflame gas or dust:

(*i.*) If such dry and dusty place is part of a main haulage road, or is a place contiguous thereto, and showing dust adhering to the roof and sides, no shot shall be fired there unless—

(1.) Both the conditions mentioned in sub-head (*h*) have been observed; or

(2.) Unless such one of the conditions mentioned in sub-head (*h*) as may be applicable to the particular place has been observed, and moreover all workmen have been

removed from the seam in which the shot is to be fired, and from all seams communicating with the shaft on the same level, except the men engaged in firing the shot, and such other persons, not exceeding ten, as are necessarily employed in attending to the ventilating furnaces, steam boilers, engines machinery winding apparatus, signals, or horses, or in inspecting the mine

(*k*) In this Act "ventilating district" means such part of a seam as has an independent intake commencing from a main intake air course, and an independent return airway terminating at a main return air course, and "main haulage road" means a road which has been, or for the time being is, in use for moving trams by steam or other mechanical power:

(*l*) Where a seam of a mine is not divided into separate ventilating districts the provisions in this Act relating to ventilating districts shall be read as though the word "seam" were substituted for the words "ventilating district".

(*m*) So much of this rule as requires the explosive substance taken into the mine to be in cartridges and so much of the provisions of sub-head (*f*) as relates to a dry and dusty place, and the provisions (*g*), (*h*) (*i*), (*k*), and (*l*) shall not apply to seams of clay or stratified ironstone which are not worked in connexion with any coal seam and which contain no coal in the working.

Water and bore-holes

Rule 13. Where a place is likely to contain a dangerous accumulation of water, the working approaching that place shall not at any point within forty yards of that place 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

Signalling and man-holes for travelling planes worked by machinery

Rule 14. 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 communicating distinct and definite signals between the stopping places and the ends of the plane, and shall be provided in every case, with sufficient man-holes for places of refuge, at intervals of not more than twenty yards, or if there is not room for a person to stand between the side of a tub and the side of the plane, then (unless the tubs are moved by an endless chain or rope) at intervals of not more than ten yards

Man-holes for other travelling roads.

Rule 15. 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 places of refuge, and every such place of refuge shall be of sufficient length, and at least three feet in width, between the waggons running on the road and the side of such road. There shall be at least two proper travelling ways into every steam engine room and boiler gallery.

Man-holes to be kept clear.

Rule 16. Every man-hole and every place of refuge shall be constantly kept clear, and no person shall place anything in any such man-hole or place of refuge.

Rule 17. Every travelling road on which a horse or other draught animal is used underground shall be of sufficient dimensions to allow the horse or other animal to pass without rubbing against the roof or timbering. Dimensions of travelling roads.

Rule 18. The top of every shaft which for the time being is out of use, or used only as an air shaft, shall be and shall be kept securely fenced. Fencing of old shafts.

Rule 19. The top and all entrances between the top and bottom, including the sump if any, of every working, ventilating 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.

Rule 20. Where the natural strata are not safe, every working or pumping shaft shall be securely cased, lined or otherwise made secure. Securing of shafts.

Rule 21. 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.

Rule 22. Where the timbering of the working places is done by the workmen employed therein, suitable timber shall be provided at the working place, gate end, pass by, siding or other similar place in the mine convenient to the workmen, and the distance between the sprags or holing props where they are required shall not exceed six feet or such less distance as may be ordered by the owner, agent or manager. Timbering.

Rule 23. Where there is a downcast and furnace shaft to the same seam, and both such shafts are provided with apparatus in use for raising and lowering persons, every person employed in the mine shall, on giving reasonable notice, have the option of using the downcast shaft. Option of using down cast shaft.

Rule 24. In any mine which is usually entered by means of machinery, a competent male person not less than twenty-two years of age shall be appointed for the purpose of working the machinery which is employed in lowering and raising persons therein, and shall attend for that purpose during the whole time that any person is below ground in the mine. Attendance of engine-man.

Where any shaft, plane, or level is used for the purpose of communication from one part to another part of a 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, the person in charge of such engine, windlass or gin or of any part of the machinery, ropes, chains, or tackle connected therewith must be a competent male person not less than eighteen years of age.

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

Rule 25. 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 Means of signalling for working shafts.

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 use 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 use between the surface and the bottom of the shaft

Rule 26. If in any mine the winding apparatus is not provided with some automatic contrivance to prevent overwinding, then the cage, when men are being raised, shall not be wound up at a speed exceeding three miles an hour, after the cage has reached a point in the shaft to be fixed by the special rules

Cover over head.

Rule 27. A sufficient cover overhead shall be used for every cage or tub employed in lowering or raising persons in any working shaft, except where the cage or tub is worked by a windlass, or where persons are employed at work in the shaft, or where a written exemption is given by the inspector of the district.

Chains.

Rule 28. 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 tub.

Prevention of rope slipping on drum.

Rule 29. 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.

Break and indicator.

Rule 30. There shall be attached to every machine worked by steam, water or mechanical power, and used for lowering or raising persons, an adequate break or breaks, and a proper indicator (in addition to any mark on the rope) showing to the person who works the machine the position of the cage or tub in the shaft.

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

Fencing machinery

Rule 31. Every fly-wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be and shall be kept securely fenced

Safety valves and gauges for boilers

Rule 32. Each steam boiler, whether separate or one of a range, shall have attached to it a proper safety valve, and also a proper steam gauge and water gauge, to show respectively the pressure of steam and the height of water in each boiler.

Barometer, &c.

Rule 33. A barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine.

Stretchers

Rule 34. Where persons are employed underground, ambulances or stretchers, with splints and bandages, shall be kept at the mine ready for immediate use in case of accident.

Wilful damage

Rule 35. No person shall wilfully damage, or without proper authority remove or render useless, any fence, fencing, man-hole, place of refuge, 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.

Rule 36. 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 in force in the mine.

Rule 37. The books mentioned in these rules shall be provided by the owner agent or manager, and the books, or a correct copy thereof, shall be kept at the office at the mine, and any inspector under this Act, and any person employed in the mine or any one having the written authority of any inspector or person so employed, may at all reasonable times inspect and take copies of and extracts from any such books; but nothing in these rules shall be construed to impose the obligation of keeping any such book or a copy thereof for more than twelve months after the book has ceased to be used for entries therein under this Act. Books and copies thereof.

Any report by this Act required to be recorded in a book may be partly in print (including lithograph) and partly in writing.

Rule 38. The persons employed in a mine may from time to time appoint two of their number or any two persons, not being mining engineers, who are practical working miners, 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. Every facility shall be afforded by the owner agent and manager, and all persons in the mine for the purpose of the inspection, and the persons appointed shall forthwith make a true report of the result of the inspection, and that 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 inspection; and if the report state the existence or apprehended existence of any danger, the owner agent or manager shall forthwith cause a true copy of the report to be sent to the inspector of the district. Periodical inspection on behalf of workmen.

Rule 39. No person not now employed as a coal or ironstone getter shall be allowed to work alone as a coal or ironstone getter in the face of the workings until he has had two years' experience of such work under the supervision of skilled workmen, or unless he shall have been previously employed for two years in or about the face of the workings of a mine.

50. Every person who contravenes or does not comply with any of the general rules in this Act, shall be guilty of an offence against this Act; and in the event of any contravention of or non-compliance with any of the said general rules in the case of any mine to which this Act applies by any person whomsoever, the owner agent and manager shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by 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. Penalty on non-compliance with rules.

Special Rules.

51. (1.) There shall be established in every mine 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 mine as, under the particular state Special rules for every mine.

and circumstances of such mine, may appear best calculated to prevent dangerous accidents, and to provide for the safety convenience and proper discipline of the persons employed in or about the mine.

(2.) Such special rules when established shall be signed in duplicate by the inspector who is inspector of the district at the time the rules are established and shall be observed in and about every such mine, (including any extension thereof) in the same manner as if they were enacted in this Act.

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

Establishment of new special rules

52. (1.) The owner agent or manager of every mine shall frame and transmit to the inspector of the district, for approval by a Secretary of State, special rules for the 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.

(2.) The proposed special rules, together with a printed notice specifying that any objection to the 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 the notice shall, during not less than two weeks before the 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 the rules and notice have been so posted up shall be sent to the inspector with two copies of the rules signed by the person sending the same.

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

Secretary of State may object to special rules

53. (1.) 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 or convenience 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.

(2.) 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 those modifications, shall be established.

(3.) 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 under this Act, and the date of the receipt of the 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.

54. (1.) After special rules are established under this Act in any mine, the owner agent or manager of the 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 the 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 nearly as may be as they apply to the original rules.

(2.) 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 of 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 nearly as may be, as they apply to the proposal

False statements, and neglect to transmit special rules.

55. If the owner agent or manager of any mine 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 proves that he had taken all reasonable means, by enforcing to the best of his power the provisions of the Act to secure the transmission of the rules.

Certified copy of special rules to be evidence.

56. 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

Publication of Abstract of Act and of Special Rules

Publication of abstract of Act and copy of special rules.

57. For the purpose of making known the provisions of this Act and the special rules to all persons employed in and about each mine, an abstract of this 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 a correct copy of all the special rules shall be published as follows

(1.) The owner agent or manager of the mine shall cause the abstract and copy of the rules, with the name of the mine and 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 a copy at the office at which the persons immediately employed by the 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 proves that he had taken all reasonable means, by enforcing to the best of his power the observance of this section to prevent such non-compliance.

Pulling down or defacing notices.

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

PART III

SUPPLEMENTAL

Penalty for offences against Act.

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

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

Imprisonment for wilful neglect en dangering life or limb

60. Where a person who is an owner agent manager or under-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 fine will not meet the circumstances of the case, to imprisonment, with or without hard labour, for a period not exceeding three months.

Summary proceedings for offences, fines, &c.

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

(2.) 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.

General provisions as to summary proceedings.

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

(i.) Any complaint or information made or laid in pursuance of this Act shall (save as otherwise expressly provided by this Act) be made or laid within three months from the time when the matter of the complaint or information arose

(ii.) Any person charged with any offence under this Act, may, if he thinks fit, be sworn and examined as an ordinary witness in the case.

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

Appeal to quarter sessions

63. If any person feels aggrieved by any conviction made by a court of summary jurisdiction on determining any information under this Act, by which conviction imprisonment or a fine amounting to or exceeding one half the maximum fine, is adjudged, he may appeal therefrom to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts.

Liability for misrepresentation as to age, &c

64. If it appears that a boy or girl was employed on the representation of his or her parent or guardian that he or she was of the age at which his or her employment would not be in contravention of this Act and under the belief in good faith that he or she was of that age, or that a person has worked alone as a coal or iron-stone getter on his representation that he has had two years' experience of such work under the supervision of skilled workmen, or that he has been previously employed for two years in or about the face of the workings of a mine, and under the belief in good faith that he has had such experience or has been so previously employed, the owner agent or manager of the mine and employer shall be exempted from any penalty, and the parent or guardian or the person who has so worked alone, as the case may be, shall, for the misrepresentation, be deemed guilty of an offence against this Act.

Prosecution of owners agents managers, &c.

65. No prosecution shall be instituted against the owner agent manager or under-manager of a mine for any offence under this Act, not committed personally by such owner agent manager or under-manager, which can be prosecuted before a court of summary jurisdiction, except by an inspector or with the consent in writing of a Secretary of State; and in the case of any offence of which the owner agent manager or under-manager of a mine is not guilty if he proves that he had taken all reasonable means

to prevent the commission thereof, an inspector shall not institute any prosecution against such owner agent manager or under-manager, if satisfied that he had taken such reasonable means as aforesaid. No prosecution shall be instituted against a coroner for any offence under this Act except with the consent in writing of a Secretary of State.

Report of result of proceedings against workmen.

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

Summary proceedings for offences in Scotland.

67. In Scotland the following provisions shall have effect:

(1.) The court of summary jurisdiction when hearing and determining an information or complaint shall be the sheriff:

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

(3.) Every person found liable under this Act by a court of summary jurisdiction in any fine, or to pay any money or costs by this Act directed to be recovered as fines, 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:

27 & 28 Vict. c. 53.

(4.) Any fine 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

(5.) An appeal shall not lie from any conviction made by a sheriff, save 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.

Saving for proceedings under other Acts.

68. (1.) 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 however that no person be punished twice for the same offence.

(2.) 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 justice, &c. in proceedings under this Act.

69. A person who is the owner agent or manager of any mine, or a miner or miner's agent, or the father son or brother, or father-in-law, son-in-law, or brother-in-law, of such owner agent or manager, or of a miner or miner's agent, or who is a director of

a company being the owner of a mine, shall not, except with the consent of both parties to the case, act as a court or member of a court of summary jurisdiction in respect of any offence under this Act.

Application of fines.

70. Where a fine 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 thinks fit) direct such fine to be paid to or distributed among the persons injured, and the relatives of any persons whose death may have been occasioned by the explosion accident or offence, or among some of them

Provided that—

(i.) 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

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

Save as aforesaid—

All fines recovered in England or Scotland under this Act shall be paid into the receipt of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund:

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

Decision of question whether a mine is under this Act.

71. If any question arises (otherwise than in legal proceedings) whether a mine is a mine to which this Act or the Metalliferous Mines Regulation Act, 1872 or any other Act for the time being in force and relating to metalliferous mines applies, the question shall be referred to a Secretary of State, whose decision thereon shall be final

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

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

Service of notices

73. All notices under this Act shall (unless expressly required to be in print) be in either writing or print, (*including lithograph*), or partly in writing and partly in print (*including lithograph*), 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.

Application of 38 & 39 Vict. c. 55. s. 38.

74. Section thirty-eight of the Public Health Act, 1875 (which relates to privy accommodation for any house used as a factory or building in which both sexes are employed), shall apply to the portions of a mine which are above ground, and in which girls and women are employed, in like manner as if it were herein re-enacted with the substitution of "those portions of the mine" for the house in the said section mentioned.

Interpretation of terms.

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

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

"Shaft" includes pit:

"Plan" includes a correct copy or tracing of any original plan:

"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:

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

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

"The Treasury" means the Commissioners of Her Majesty's Treasury:

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

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

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

Application of Act to Scotland.

76. 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 auditor of the sheriff court of the county or district of a county in which any inquiry takes place shall perform the duties of a master of one of the superior courts under this Act:

(8.) "County court judge, police magistrate, stipendiary magistrate, recorder, or registrar of a county court" 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.) Sections forty-one and sixteen of the Public Health (Scotland) Act, 1867, shall respectively be substituted for sections thirty-eight and ninety-one of the Public Health Act, 1875: 30 & 31 Vict. c. 100.

(11.) The term "public elementary school" means State-aided school.

Nothing in this Act shall affect any provision in the Education (Scotland) Acts, 1872 to 1883.

Application of Act to Ireland.

77. In the application of this Act to Ireland,—

(*a.*) The expression "the Summary Jurisdiction Acts" means, as regards the Dublin metropolitan police district, the Acts regulating the powers and duties of justices of the peace and of the police of that district, and elsewhere, in Ireland, the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same:

(*b.*) In hearing and determining a charge under this Act, a court of summary jurisdiction elsewhere than in the Dublin metropolitan police district, shall be constituted of two or more justices of the peace or of a resident magistrate, with or without other justices, sitting in petty sessions; and a resident magistrate means a magistrate appointed pursuant to the Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter fourteen:

(*c.*) Sections forty-eight and one hundred and seven of the Public Health (Ireland) Act, 1878, shall respectively be substituted for sections thirty-eight and ninety-one of the Public Health Act, 1875. 41 & 42 Vict. c. 52.

(*d.*) The expression "police or stipendiary magistrate" means resident magistrate:

"Master of one of Her Majesty's Superior Courts" means a taxing master of the High Court of Justice in Ireland:

"Registrar of a county court" means clerk of the peace:

"London Gazette" means Dublin Gazette.

"Attorney-General" means Attorney-General for Ireland:

"Chairman of quarter sessions" means county court judge.

Transitory Provisions and Repeal.

Existing inspectors and examining boards continued.

78. The persons who at the commencement of this Act are acting as inspectors under the Acts hereby repealed, and the boards for appointing examiners for managers' certificates under those Acts, shall continue to act in the same manner, and generally to be in the same position, as if they had been respectively appointed under this Act.

Existing certificates and

79. All orders made by a Secretary of State under any Act repealed by this Act, which are in force immediately before the

registers continued

commencement of this Act, shall be deemed to have been made under this Act, and all certificates of competency or of service granted under any Act repealed by this Act which are in force immediately before the commencement of this Act, shall be deemed to be first class certificates granted under this Act, and the register of holders of certificates and the other registers which at the commencement of this Act are kept in pursuance of the Acts hereby repealed, shall be deemed to be registers or parts of registers kept in pursuance of this Act.

Grant of certificates of service in case of certain under-managers

80. (1.) A certificate of service shall be granted by a Secretary of State to every person who satisfies him either that before the passing of this Act he was exercising and has since that date exercised 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 exercised, functions substantially corresponding to those of an under-manager in a mine.

(2.) 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 the Second Schedule to this Act.

(3.) A certificate of service granted under this section shall have the same effect for the purposes of this Act as a second class certificate of competency granted under this Act.

Existing special rules continued.

81. The special rules which at the commencement of this Act are in force under any Act hereby repealed in any mine 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.

Temporary saving for employment of boys and girls between ten and twelve

82. The provisions of this Act shall not—

(*a.*) Prevent a boy under the age of twelve years who, before the commencement of this Act, is lawfully employed in any mine below ground from continuing to be employed in a mine: nor

(*b.*) Prevent a boy or girl who, before the commencement of this Act, is lawfully employed above ground in connexion with any mine from continuing to be employed above ground in connexion with a mine; nor

(*c.*) Prevent a competent male person above the age of eighteen years who before the commencement of this Act is lawfully employed in working the machinery used for lowering and raising persons in a mine from continuing to be so employed;

in like manner and subject to the same provisions and regulations as before the commencement of this Act, and the provisions of the Acts repealed by this Act, with respect to the employment of such boy or girl or competent male person shall continue to apply accordingly.

83. Any enactment or document referring to any Act repealed by this Act, or to any enactment thereof, shall be construed to refer to this Act, and to the corresponding enactments thereof. Construction of references to repealed Acts.

84. The Acts described in Schedule Four to this Act are hereby repealed. Repeal of Acts

Provided that this repeal shall not affect any exemption granted, or other thing done or suffered before the commencement of this Act; and all offences committed and penalties incurred and proceedings commenced before the commencement of this Act may be punished recovered continued and completed in the same manner as if this Act had not passed

SCHEDULES.

SCHEDULE ONE

Section 24.

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*) Any regulations made by the board constituted under the Acts repealed by this Act, and in force at the commencement of this Act, shall continue in force till repealed or altered by the board;

(*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 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.

Sections 25 and 30.

SCHEDULE TWO.

TABLE of MAXIMUM FEES to be paid in respect of CERTIFICATES.

First Class Certificate.

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

Second Class Certificate.

By an applicant for examination -	- One pound
For copy of certificate - -	- Two shillings and sixpence.

SCHEDULE THREE.

Section 33.

Coal Mines Regulation Act, 1887, 50 & 51 Vict c. 58.

FORM OF RETURN

This Form to be correctly filled up by the Owner, Agent, or Manager, and sent to the Inspector of the District, on behalf of the Secretary of State, on or before 21 January, every year.

PART A

Year ending 31 December 18 .

Name of Mine _____

Situation of Mine _____

County _____

Name of Owner (Company) -

Name of Manager

Name of Under-Manager

Postal Address _____

RETURN of PERSONS ordinarily employed during the Year:—

Under ground -	Boys of 12 and under 16	-
	Males above 16	-
Above ground (including those employed on sidings and private branch railways and tramways, and in cleaning, washing, and coking of coal)	Boys of 12 and under 13	
	Girls	
	Bo	
	Gi	
	Fe	
	Males do	- - - -
	Total above ground	-
	Total number of persons employed under ground and above ground	-

QUANTITY of MINERAL wrought during the Year.

Mineral Wrought.	Number of Statute Tons Wrought.
Coal	
Fireclay	
Ironstone.....	
Shale—Oil Shale	
Do. used for other purpose-	
Copperas Lumps, or Iron Pyrites . .	
Other Minerals, viz :—	

The NUMBER of DAYS in each MONTH on which COAL or IRONSTONE has been drawn.

	Number of Days on which was drawn	
	1 Coal	2 Ironstone
January - - - -		
February - - - -		
March - - - -		
April - - - -		
May - - - - -		
June - - - - -		
July - - - - -		
August - - - -		
September - - - -		
October - - - -		
November - - - -		
December - - - -		

day of 18 .

(Signed) _____