SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER 9.

An Act to amend the provisions of the Coal Mines Regulation Act, 1887, which relate to the Weighing of Minerals. [4th August 1905.]

A.D. 1905.

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

Amendments of 50 & 51 Vict. c. 58. s. 13 as to check weighers.

1.—(1) The power conferred by the principal Act on the persons employed in a mine, and paid according to the weight of the mineral gotten by them, to appoint a check weigher, shall include power to appoint a deputy to act in the absence of the check weigher for reasonable cause, and the expression "check weigher" when used in the principal Act and in this Act shall include any such deputy check weigher during such absence as aforesaid.

(2) A statutory declaration, made by the person who presided at a meeting for the purpose of appointing a check weigher or deputy check weigher, to the effect that he presided at that meeting, and that the person named in the declaration was duly appointed check weigher or deputy check weigher, as the case may be, by that meeting, shall be forthwith delivered to the owner, agent, or manager of the mine, and shall be primâ facie evidence of that appointment.

(3) Where the check weigher or deputy check weigher was appointed by a majority ascertained by ballot of the persons employed in the mine, and paid according to the mineral gotten, the declaration shall so state, and if he was not so appointed, then it shall state the names of the persons by whom or on whose behalf the check weigher or deputy check weigher was appointed. Where a check weigher or deputy check weigher is appointed by such a majority as aforesaid, he shall be deemed to be appointed on behalf of all the persons employed in the mine who are entitled to appoint him.

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(4) The facilities to be afforded to a check weigher under section thirteen of the principal Act shall include provision for a check weigher of a shelter from the weather, containing the number of cubic feet requisite for two persons, a desk or table at which the check weigher may write, and a sufficient number of weights to test the weighing machine.

(5) When a check weigher or deputy check weigher is appointed by a majority ascertained by ballot of the persons employed in the mine, and paid according to the mineral gotten, he shall not be removed by the persons employed in the mine except by a majority ascertained by ballot of the persons employed and paid as aforesaid at the time of the removal.

Amendments as to persons who appoint and pay check weighers.

2.—(1) For the purposes of the principal Act and of this Act the persons who are entitled under section thirteen of the principal Act to appoint a check weigher, and from whom he is entitled under section fourteen of the principal Act to recover his wages or recompense, shall be deemed to include not only the persons in charge of the working places, but also all holers, fillers, trammers, and other persons who are paid according to the weight of the mineral gotten.

(2) Where there are persons employed in a mine who are employed by a contractor who is himself paid according to weight of mineral gotten, such persons, if they are either in charge of the working places or are holers, fillers, trammers, or brushers, shall, notwithstanding that they are paid by the contractor and otherwise than in accordance with the weight of mineral gotten, be deemed to be included among those who are entitled to appoint a check weigher, and from whom he is entitled as aforesaid to recover wages or recompense, but the proportion of such wages or recompense recoverable in respect of such persons shall be paid by the contractor who employs them, and recoverable by the check weigher from him alone.

(3) The wages or recompense which a check weigher may recover under section fourteen of the principal Act shall include expenses properly incurred by him in carrying out his work under the principal Act.

Notice of intention to appoint check weigher.

3. All persons who are entitled by the principal Act or this Act to appoint a check weigher or deputy check weigher shall have due notice given to them of the intention to appoint a check weigher or deputy check weigher, by a notice posted at the pithead or otherwise specifying the time and place of the meeting, and have the same facilities given to each of them for the purpose of recording their votes either by ballot or otherwise in such appointment.

4.—(1) This Act shall be construed as one with the principal Act.

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Construction and short title.

(2) This Act may be cited as the Coal Mines (Weighing of Minerals) Act, 1905, and the Coal Mines Regulation Acts, 1887 to 1896, and the Coal Mines Regulation Act (1887) Amendment Act, 1903, and this Act may be cited collectively as the Coal Mines Regulation Acts, 1887 to 1905.

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