1970. No. 91 **[C]**

MINES

Draft Regulations

RULES, DATED 1ST MAY 1970, MADE BY THE MINISTRY OF COMMERCE UNDER PARAGRAPH 22 OF SCHEDULE 2 TO THE MINES ACT (NORTHERN IRELAND) 1969.

The Ministry of Commerce in exercise of the powers conferred on it by paragraph 22 of Schedule 2 to the Mines Act (Northern Ireland) 1969(a) and of all other powers enabling it in that behalf, hereby makes the following rules:—

PART I

GENERAL

Citation

1. These rules may be cited as the Mines (Draft Regulations) Rules (Northern Ireland) 1970.

Interpretation

2.—(1) In these rules the following expressions have the meanings hereby respectively assigned to them that is to say:—

"the Act" means the Mines Act (Northern Ireland) 1969;

"inquiry" means an inquiry under Part III of Schedule 2 to the Act;

"meeting for directions" has the meaning assigned thereto in rule 4;

"the Ministry" means the Ministry of Commerce;

"president" has the meaning assigned thereto in rule 3;

"tribunal" has the meaning assigned thereto in rule 3.

(2) Expressions to which meanings are assigned by the Act or by these rules shall (unless the contrary intention appears) have the same meanings in any document issued under the provisions of these rules.

PART II

PROCEEDINGS PRELIMINARY TO INQUIRIES

3. As soon as may be after the appointment by the Lord Chief Justice of a person or persons to hold an inquiry (such a person or persons being in these rules referred to as a "tribunal") the tribunal shall publish or cause to be published in such manner as it thinks fit for the purpose of notifying persons likely to be affected by the relevant draft regulations, and send or cause to be sent by post to the Ministry and to every person who duly made an objection with respect to a provision of such draft regulations, a notice specifying—

(a) 1969. c. 6 (N.I.).

(*a*) the name of every member of the tribunal and of any person appointed to preside over the inquiry (such a person being in these rules referred to as "the president");

(*b*) an address to which all communications for the tribunal shall be sent.

4.—(1) The tribunal may, if it thinks fit for the purpose of facilitating the just, expeditious and economical disposal of the inquiry, include in the notice published and sent under the last preceding rule or in a notice subsequently so published and sent notice of the date on which and the place and time at which there shall be held a meeting for the purposes hereinafter specified in this rule (such a meeting and any resumed meeting after an adjournment thereof being in these rules referred to as a "meeting for directions").

(2) If a meeting for directions is so ordered, every person desiring to appear at the inquiry in pursuance of sub-paragraph (*c*) of paragraph 18 of Part III of Schedule 2 to the Act shall at that meeting make application either in person or by counsel, solicitor or agent for the opinion of the tribunal or (if there are two or more members of the tribunal) of the president whether or not that person is affected by the relevant draft regulations and the opinion of the tribunal or the president (as the case may be) thereupon shall be recorded by the tribunal and announced to the applicant.

(3) Any person entitled to appear at an inquiry in pursuance of paragraph 18 of Part III of Schedule 2 to the Act may, either in person or by counsel, solicitor or agent, make such representations to the tribunal at the relevant meeting for directions as he thinks fit relating to the directions to be given by the tribunal in pursuance of paragraph (4) of this rule.

(4) At any meeting for directions, the tribunal may give such directions as to the future course of the inquiry as appear best adapted to secure the purposes aforesaid and in particular, but without prejudice to the generality thereof—

(*a*) the tribunal may direct that evidence of any fact or opinion shall be given at the inquiry in such manner as may be specified by the direction;

(*b*) the tribunal may direct that any person entitled to appear at the inquiry who desires to produce thereat any plans, photographs, models, statistics or results of experiments shall, not later than ten days before the inquiry afford to every other person so entitled an opportunity of inspecting those plans, photographs, models or documents or a copy thereof and of agreeing to the admission thereof at the inquiry without further proof;

(*c*) the tribunal shall endeavour to secure that the persons entitled to appear at the inquiry make all admissions for the purposes of the inquiry and all agreements as to the conduct thereof which ought reasonably to be made by them;

(*d*) the tribunal may give such directions as it thinks necessary or expedient as to the order in which objections or representations shall be considered at the inquiry and as to the order in which persons appearing at the inquiry shall be heard; and

(*e*) the tribunal may direct the date on which and time at which the inquiry shall be held.

5. In any case in which a meeting for directions is not ordered by the tribunal it shall publish or cause to be published in such manner as it thinks fit for the purpose of notifying persons likely to be affected by the relevant draft regulations and send or cause to be sent by post to the Ministry and to every person who duly made an objection with respect to a provision of such draft regulations, a notice specifying the date on which and time at which the inquiry shall be held.

PART III

INQUIRIES

6. At and for the purposes of every inquiry—

(*a*) the tribunal may enter and inspect any premises occupied by any person entitled to appear at the inquiry, being premises which would be affected by the relevant draft regulations (if made);

(*b*) the tribunal may vary or revoke any order made or direction given by it at the relevant meeting for directions and may (so far as appears to it to be appropriate) make any order or give any direction which it could have made or given at such a meeting;

(*c*) the tribunal may (so far as appears to it to be reasonable having regard to the desirability of making a report to the Ministry as soon as may be) adjourn the inquiry from time to time; and

(*d*) subject to the provisions of the Act and of these rules, the tribunal may regulate the procedure at the inquiry.

7. No person shall at an inquiry be entitled without the consent of the tribunal—

(*a*) to raise, or adduce evidence relating to, any ground of objection not specifically stated in an objection duly made with respect to a provision of the relevant draft regulations; or

(*b*) to ask for, or adduce evidence relating to, any omission, addition or modification not asked for in such an objection.

8. In every case in which the Lord Chief Justice has appointed a tribunal consisting of two or more persons—

(*a*) every decision of a majority of those persons present and voting shall be the decision of the tribunal;

(*b*) in any case in which the votes of those persons present and voting are equally divided, the president shall have a second or casting vote.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 1st day of May 1970 in the presence of

(L.S.)

W. L. Robinson,
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the rules but is intended to indicate their general purport.)

These rules prescribe the manner in which, when draft general regulations or special regulations are referred for inquiry under Parts I and II of Schedule 2 to the Act, that inquiry and all proceedings preliminary or incidental thereto shall be conducted.