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Session and Chapter	Short Title	How far continued	Amending Acts
(9) 6 & 7 Geo. 6. c. 44.	The Rent of Furnished Houses Control (Scotland) Act, 1943.	The whole Act.	10 & 11 Geo. 6. c. 43. 12, 13 & 14 Geo. 6. c. 40. 2 & 3 Eliz. 2. c. 50.
(10) 9 & 10 Geo. 6. c. 34.	The Furnished Houses (Rent Control) Act, 1946.	The whole Act.	12, 13 & 14 Geo. 6. c. 40. 2 & 3 Eliz. 2. c. 53.
(11) 1 & 2 Eliz. 2. c. 46.	The Licensing Act, 1953.	Part II.	—

CHAPTER 70

Mines and Quarries Act, 1954

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An Act to make fresh provision with respect to the management and control of mines and quarries and for securing the safety, health and welfare of persons employed thereat; to regulate the employment thereat of women and young persons; to require the fencing of abandoned and disused mines and of quarries; and for purposes connected with the matters aforesaid.

[25th November, 1954]

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

PART I

GENERAL DUTIES OF MINE AND QUARRY OWNERS

General duties of mine and quarry owners.

1.—(1) It shall be the duty of the owner of every mine and quarry to make such financial and other provision and take such other steps as may be necessary to secure—

(*a*) that the mine or quarry is managed and worked in accordance with the provisions in that behalf of this Act, orders made thereunder and regulations and is so planned and laid out as to enable that purpose to be readily secured; and

(*b*) that all other provisions of this Act, orders made thereunder and regulations and all requirements imposed

PART I —*cont.*

under this Act, orders made thereunder and regulations are, so far as applicable to the mine or quarry, duly complied with;

and, in particular, but without prejudice to the generality of the foregoing words, to give, to any person appointed by him for the purpose of securing the fulfilment, in relation to the mine or quarry, of statutory responsibilities of his with respect to any matters, written instructions defining the matters with respect to which that person is charged with securing the fulfilment of those responsibilities.

(2) Forthwith after the giving by the owner of a mine or quarry, to a person appointed by him for the purpose aforesaid, of such instructions as aforesaid, the owner shall send a copy of the instructions to the inspector for the district and to the manager of the mine or, as the case may be, the manager of the quarry or (where there is more than one manager thereof) each of them.

PART II

MANAGEMENT AND CONTROL (MINES)

Managers and Under-managers

Appointment, and general duties and powers, of mine managers.

2.—(1) Subject to the following provisions of this Act, no mine shall be worked unless there is a sole manager of the mine, being an individual duly appointed and having such qualifications (if any) as are required by or by virtue of the said provisions.

(2) The manager of a mine shall have the management and control of the mine, exercisable subject to any instructions given to him by or on behalf of the owner thereof, and shall also—

(*a*) have the duty of securing the discharge by all others of obligations imposed on them with respect to the mine by or by virtue of the following provisions of this Act; and

(*b*) have such duties with respect to the appointment of persons to carry out inspections of the mine and to be in charge of, or to supervise or conduct, operations thereat, and such other duties, and such powers, as are imposed or conferred on him by or by virtue of the following provisions of this Act.

(3) The manager of a mine shall be appointed by the owner thereof who, if an individual, may appoint himself subject, in the case of a mine whereof the manager is by or by virtue of the following provisions of this Act required to hold qualifications for his office, to the possession by the owner of those qualifications.

PART II —*cont.*

Rights of mine manager with respect to instructions given by or on behalf of owner.

3.—(1) Any instructions given to the manager of a mine by or on behalf of the owner thereof, being instructions affecting the fulfilment, in relation to the mine, by the manager of statutory responsibilities of his, shall, so far as they are not written, be confirmed in writing by the person by whom they were given forthwith after the making of a request in that behalf by the manager.

(2) Except in a case of emergency, neither the owner of a mine nor a person acting on his behalf shall, except with the consent of the manager of the mine, give, otherwise than through the manager, any instructions to a person employed at the mine who is responsible to the manager; and where the owner of a mine or a person acting on his behalf gives, in either of the said excepted cases, instructions which, apart from the exception, would be required to be given through the manager of the mine, the person who gave the instructions shall, forthwith after he has given them, inform the manager of the substance thereof and, if requested so to do by the manager, confirm them in writing forthwith after the making of the request.

The foregoing provisions of this subsection shall not apply to any instructions given by an under-manager of a mine or a person appointed by the manager of a mine in pursuance of this Act or regulations.

(3) Where, in the case of a mine whereof the manager is by or by virtue of the following provisions of this Act required to hold qualifications for his office, instructions are given by or on behalf of the owner of the mine to the manager of the mine, an under-manager thereof or a person appointed by the manager in pursuance of this Act or regulations, then, if the manager is of opinion that the execution of the instructions would or might be likely to prejudice the safety or health of the persons employed at the mine (or any of them) or to impede him in the discharge, in relation to the mine, of any duty imposed on him by or by virtue of this Act, he may,—

(*a*) in a case where the instructions are given to him, decline to execute them until they are confirmed in writing by a person qualified for appointment as manager of the mine who is authorised in writing by the owner of the mine to confirm instructions given as aforesaid;

(*b*) in any other case, direct that the instructions be not executed until they are so confirmed by such a person.

The foregoing provisions of this subsection shall not apply to instructions given by an owner of a mine who is an individual or by such a person as is mentioned in paragraph (*a*) of this subsection.

(4) Where, in the case of such a mine as is mentioned in the last foregoing subsection, instructions are given and confirmed as

PART II —*cont.*

therein mentioned, the document by which they are confirmed shall be preserved by the manager of the mine, and a copy of that document shall be preserved by the owner of the mine, in each case for three years after the instructions cease to be operative.

Qualifications of mine managers.

4.—(1) No person shall be qualified to be appointed or to be the manager of a mine of coal, stratified ironstone, shale or fireclay at which more than thirty persons are employed below ground unless he is the holder of a first-class certificate of competency valid with respect to the mine, has attained the age of twenty-six years and satisfies such other conditions (if any) as may be prescribed.

(2) No person shall be qualified to be appointed or to be the manager of a mine of coal, stratified ironstone, shale or fireclay at which more than fourteen but not more than thirty persons are employed below ground—

(*a*) except in a case falling within paragraph (*b*) of this subsection, unless he is the holder of a first-class or second-class certificate of competency valid with respect to the mine, has attained the age of twenty-three years and satisfies such other conditions (if any) as may be prescribed;

(*b*) in a case where there is for the time being in force a direction, given by an inspector by notice served on the owner of the mine, that this paragraph shall apply to the mine, unless he is the holder of a first-class certificate of competency valid with respect to the mine, has attained the age of twenty-six years and satisfies such other conditions (if any) as may be prescribed:

Provided that an inspector may, by notice served on the owner of any such mine as aforesaid, exempt the mine from the provisions of this subsection.

(3) In the case of a mine of coal, stratified ironstone, shale or fireclay at which not more than fourteen persons are employed below ground, an inspector may by notice served on the owner of the mine direct that this subsection shall apply to the mine and, while the direction remains in force, no person shall be qualified to be appointed or to be the manager of the mine unless he is the holder of a first-class or second-class certificate of competency valid with respect to the mine, has attained the age of twenty-three years and satisfies such other conditions (if any) as may be prescribed.

(4) Regulations may direct, or empower an inspector to direct, that no person shall be qualified to be appointed or to be the manager of a mine other than of coal, stratified ironstone, shale or fireclay unless he satisfies such conditions as may be prescribed.

PART II —*cont.*

Limitation on number of mines which a person may manage.

5.—(1) No person shall, without the approval of an inspector, be manager of more than one mine unless—

(*a*) the total number of persons employed at all the mines of which he is manager does not exceed one thousand; and

(*b*) the surface entrances to all the shafts and outlets for the time being in use at all such mines lie within a circle whose radius is two miles.

(2) Where a person is manager of two or more mines and it appears to an inspector that by reason thereof the fulfilment, in relation to those mines or any of them, by that person of statutory responsibilities of his is prejudiced, the inspector may serve on the owner of each of the mines of which the first-mentioned person is manager a notice directing that the person who is the manager of such of those mines as may be specified in the notice shall not also be the manager of the others or of such of them as may be so specified.

Under-managers.

6.—(1) For any mine there may be one or more under-managers and (subject to the following provisions of this section and to the following provisions of this Act) in the case of—

(*a*) a mine which, by virtue of the foregoing provisions of this Act, cannot lawfully be worked unless the manager thereof is none other than the holder of a first-class certificate of competency, being a mine whereof the manager is also the manager of another mine; and

(*b*) a mine (other than one falling within the foregoing paragraph), being a mine with respect to which there is for the time being in force a direction, given by an inspector by notice served on the owner of the mine, that, on the ground of the size or condition of the mine or the system of working it being such as, in the opinion of the inspector, to render it inexpedient that it should be worked unless there is at least one under-manager, this paragraph shall apply to the mine;

the mine shall not be worked unless there is at least one under-manager.

(2) If an inspector is satisfied with respect to any such mine as is mentioned in paragraph (*a*) of the foregoing subsection that it is unnecessary to require the appointment of an under-manager for the mine, he may, by notice served on the owner of the mine, direct that so much of that subsection as prohibits the mine's being worked without there being at least one under-manager shall not have effect with respect to the mine.

PART II —*cont.*

(3) The jurisdiction of an under-manager of a mine may be limited to part of the mine, but a mine the working whereof is unlawful unless there is at least one under-manager shall not be worked unless every part thereof below ground is within the jurisdiction of the under-manager or (where there are two or more under-managers) some one of them.

(4) It shall be the duty of an under-manager of a mine, to the extent of his jurisdiction thereover, to supervise all operations carried on thereat and, to the best of his ability, to execute and enforce with respect to the mine the provisions of this Act, orders made thereunder and regulations.

(5) No mine of coal, stratified ironstone, shale or fireclay (being a mine which, by virtue of the foregoing provisions of this Act, cannot lawfully be worked unless the manager thereof is none other than the holder of a first-class certificate of competency) shall be worked so long as a person is under-manager thereof who does not satisfy the following conditions, namely, that he is the holder of a first-class or second-class certificate of competency valid with respect to the mine, that he has attained the age of twenty-three years and that he satisfies such other conditions (if any) as may be prescribed; and provision may be made by regulations for requiring that no mine (other than as aforesaid) shall be worked so long as a person is under-manager thereof who does not satisfy such conditions as may be prescribed.

(6) An under-manager of a mine shall be appointed by the owner thereof.

Temporary appointments during vacancy in office of mine manager or under-manager.

7.—(1) Where, by reason of death, resignation or other cause, a vacancy occurs in the office of manager of a mine, nothing in section two of this Act shall prevent the mine being worked at any time during a period not exceeding seventy-two days (or such longer period as an inspector may allow) until the vacancy is filled, if at that time there is a person appointed by the owner of the mine to exercise the powers and perform the duties of manager of the mine during a vacancy in the office, being a person who, at that time, is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of subsection (5) of the last foregoing section.

(2) Where, in the case of a mine the working whereof is unlawful unless there is at least one under-manager, a sole or last surviving under-manager dies, resigns or otherwise ceases to hold office, nothing in the last foregoing section shall prevent the mine being worked at any time during a period not exceeding seventy-two days (or such longer period as an inspector may allow) until the vacancy is filled, if at that

PART II —*cont.*

time there is a person appointed by the owner of the mine to perform the duties of under-manager thereof in the event of a sole or last surviving under-manager ceasing to hold office, being a person who at that time either could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of subsection (5) of the last foregoing section or has such other qualifications as may be prescribed and has within his jurisdiction every part of the mine below ground.

(3) A person appointed by the owner of a mine as mentioned in subsection (1) or (2) of this section shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act, orders made thereunder and regulations in all respects as if he were the manager of the mine to which the appointment relates or, as the case may be, an under-manager thereof.

Daily supervision by mine managers and under-managers.

8.—(1) No mine shall be worked unless daily personal supervision thereover is exercised by the manager thereof or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner of the mine to exercise such supervision during any such period, being a person who is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of subsection (5) of section six of this Act:

Provided that the foregoing provisions of this subsection shall not authorise the working of a mine by virtue of the exercise of daily personal supervision by a person other than the manager thereof for any period exceeding seventy-two days (or such longer period as an inspector may allow).

(2) No such mine as is mentioned in paragraph (*a*) or (*b*) of subsection (1) of section six of this Act (not being a mine with respect to which a direction under subsection (2) of that section is in force) shall be worked unless daily personal supervision is exercised by each under-manager thereof or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner of the mine to exercise such supervision during any such period, being a person who either is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of subsection (5) of section six of this Act or has such other qualifications as may be prescribed.

(3) A person appointed as mentioned in subsection (1) or (2) of this section shall, so far as regards any period during which

PART II —*cont.*

he acts in exercise of his appointment, be treated for the purposes of this Act, orders made thereunder and regulations in all respects as if he were the manager of the mine to which the appointment relates or, as the case may be, the under-manager thereof in whose place he is acting, so, however, that nothing in the foregoing provisions of this subsection shall be construed as divesting the manager or an under-manager of a mine of any power, or relieving him from any duty or liability, conferred or imposed on him by or by virtue of this Act.

Charge of mine when neither manager nor under-manager nor substitute is present.

9. No mine shall be worked at a time when neither the manager of the mine, nor an under-manager thereof nor a person acting in exercise of an appointment made for the purpose of any of the provisions of the two last foregoing sections is present at the mine unless the mine is in the charge of a competent person appointed by the manager and having such qualifications (if any) as may be prescribed:

Provided that nothing in the foregoing provisions of this section shall prevent the working of a mine at a time when no persons are employed thereat below ground.

Duties of mine managers with respect to reading of reports, &c.

10. It shall be the duty of the manager of every mine, with respect to each report, record or other item of information which, in pursuance of this Act or regulations, is entered in a book which by or by virtue of this Act is required to be provided for that purpose by the owner of the mine, either to read it himself forthwith or to secure that it is read forthwith by some other competent person and that there is promptly brought to his notice any matter disclosed by the report, record or other item of information which either is of an abnormal or unusual nature as regards the mine or, not being of such a nature, is of a kind which will or may necessitate the taking of any steps by the manager or any other person.

Surveyors

Surveyors.

11.—(1) No mine shall be worked unless there is a surveyor for the mine appointed by the owner thereof and having such qualifications (if any) as may be prescribed:

Provided that where by reason of death, resignation or other cause, a vacancy occurs in the office of surveyor for a mine, the foregoing provisions of this subsection shall not prevent the working of the mine for a period not exceeding twenty-eight days (or such longer period as an inspector may allow) until the vacancy is filled.

(2) The surveyor for a mine shall have such responsibilities with respect to the preparation of, and otherwise in relation to, plans and other documents required by virtue of the following

PART II —*cont.*

provisions of this Act to be kept in relation to the mine, and such other responsibilities, as may be imposed on him by virtue of those provisions.

Officials and Technicians

Deputies.

12.—(1) Provision may be made by regulations—

(*a*) for imposing, in relation to a mine, such requirements with respect to the carrying out, by competent persons appointed for the purpose by the manager of the mine and having such qualifications (if any) as may be prescribed, of inspections of the mine as it may appear to the Minister requisite or expedient to impose for the purpose of securing the safety and health of the workmen employed thereat;

(*b*) for providing that, subject to any exceptions for which provision may be made by the regulations, the persons appointed to discharge at a mine the duties imposed by virtue of the foregoing paragraph shall have the immediate charge of the workmen employed at the mine and of the operations carried on by them thereat;

(*c*) for prescribing any duties to be discharged by the persons so appointed in addition to those imposed on them by virtue of the foregoing paragraphs or by or by virtue of any of the following provisions of this Act, and for requiring that, subject to any exceptions for which provision may be made by the regulations, those persons shall devote the whole of their time to the discharge of the duties prescribed by virtue of this paragraph or imposed as aforesaid; and

(*d*) for requiring or authorising the delimitation in a mine of districts for the purpose of the discharge by the persons so appointed of their duties, for requiring that where, in a mine, districts are delimited for that purpose no one of those persons shall have charge of more than one district and for relating to each district the duties of the person in charge of it;

and it shall be the duty of the manager of a mine in relation to which requirements are imposed by virtue of paragraph (*a*) of this subsection to secure that the number of persons appointed for the purpose of fulfilling those requirements is sufficient to secure the efficient discharge of the duties imposed on those persons.

(2) Regulations having effect by virtue of the foregoing subsection shall be so framed as, in the opinion of the Minister, to secure that, in the discharge, by persons appointed for the purpose of fulfilling, in relation to a mine, requirements imposed

PART II —*cont.*

by virtue of paragraph (*a*) of that subsection, of duties prescribed by virtue of the other provisions of that subsection, those persons shall give preference to the securing of the safety and health of the workmen employed at the mine over the securing of any other matter.

Other officials, engineers, technicians, &c.

13.—(1) It shall be the duty of the manager of every mine to appoint (in addition to any persons appointed by him in pursuance of, or of regulations having effect by virtue of, any provision of this Act other than this subsection) such number of officials, engineers and technicians and other competent persons (if any) as is sufficient (taking into account activities in that behalf which are undertaken in person by the manager of the mine, by any under-manager thereof and by any persons appointed as aforesaid) to secure—

(*a*) the adequate inspection of the mine and the equipment thereof;

(*b*) the thorough supervision of all operations at the mine; and

(*c*) the carrying on of the undertaking of the mine in conformity with the provisions of this Act, orders made thereunder and regulations.

(2) Regulations may require the manager of a mine to appoint, for the purpose of supervising, inspecting or conducting at, or in relation to, the mine, such operations or matters as may be prescribed, such officials, engineers or technicians or other competent persons as may be prescribed, and regulations made by virtue of this subsection may prescribe the qualifications to be held and the duties to be discharged by the persons thereby required to be appointed.

Duty of mine manager to ensure that persons appointed by him understand their duties.

14. It shall be the duty of the manager of every mine to ensure to the best of his ability that every person appointed by him in pursuance of the foregoing provisions of this Act or regulations having effect by virtue of any of those provisions understands the nature and scope of any duties which fall to be performed by that person, being either duties imposed by or by virtue of this Act or duties whose performance is undertaken for the purpose of attaining any of the objects mentioned in paragraphs (*a*) to (*c*) of subsection (1) of the last foregoing section.

Provisions ancillary to foregoing Sections

Notification to district inspector of appointments by mine owners.

15. Forthwith after the appointment by the owner of a mine of a person to be the manager or an under-manager of the mine, to exercise the powers and perform the duties of manager of the mine during a vacancy in the office, to perform the duties of under-manager of the mine in the event of a sole or last surviving under-manager ceasing to hold office, to exercise daily

PART II —*cont.*

personal supervision during a period during which the manager or an under-manager is absent or unable to exercise such supervision, or to be the surveyor for the mine, the owner shall give to the inspector for the district notice, in such form as may be specified by the Minister, of the making of the appointment and of the name and address of the person appointed and giving such particulars with respect to his qualifications as may be so specified.

Disqualification of contractors and their employees for appointment as managers, &c., of mines.

16.—(1) Where a mine or any part thereof is worked, or any operations in a mine are carried on, by a contractor, and a person is by or by virtue of the foregoing provisions of this Act required to hold qualifications for appointment to any office in the mine mentioned in subsection (2) of this section, neither the contractor nor a person employed by him shall be capable of being appointed to that office notwithstanding that, apart from this section, he is qualified for appointment thereto.

(2) The offices referred to in the foregoing subsection are those of manager of the mine, under-manager thereof and the office to which duties imposed by virtue of subsection (1) of section twelve of this Act are attached.

Plans

Keeping of plans.

17.—(1) Provision may be made by regulations for requiring that, in the case of every mine, the manager thereof shall keep at the office at the mine or at such other place as may be approved by an inspector—

(*a*) accurate plans of—

(i) all the workings in the mine (whether abandoned or not) or such of them as may be prescribed; and

(ii) all other workings (whether abandoned or not) within the boundaries of the mine or within the prescribed distance outside any boundary of the mine (measured from any point on the boundary in a straight line on any plane) or such of those workings as may be prescribed;

(*b*) accurate sections of the seams or veins for the time being worked in the mine and of all the strata overlying them;

being plans or, as the case may be, sections complying with such requirements as are imposed by or by virtue of the next following subsection; and regulations made by virtue of this subsection may require the keeping of separate plans for different seams or veins or for the purpose of showing the system of ventilation in the workings or any other prescribed matter and require that plans be so kept as at any time to disclose the extent of workings delineated thereon both up to a day not

earlier than such previous day as may be prescribed and up to a distance from their position at that time not greater than such as may be prescribed.

(2) Plans and sections required to be kept by virtue of the foregoing subsection shall be of durable material and be prepared in such form and manner as may be specified by rules made by the Minister and on a scale not less than such as may be so specified, and any such plans (other than any whereof the main purpose is to show matters other than the extent of workings) shall show the position, in relation to objects on the surface, of the workings delineated on the plans and record such information as may be so specified with respect to orientation, contours, boundaries, faults, workings other than those delineated on the plans and any such other matters (whether similar to the matters aforesaid or not) as may be so specified.

(3) If, in the case of any mine, it appears to an inspector that any information which, by virtue of the foregoing provisions of this section, is required to be recorded on a plan required to be kept by the manager of the mine cannot be recorded thereon fully and clearly, he may serve on the manager of the mine a notice requiring him to keep at the office at the mine or at such other place as may be approved by an inspector such supplementary plan or drawing specified in the notice as appears to the inspector by whom the notice is served to be requisite for the purpose of recording that information fully and clearly.

(4) Regulations may provide—

(*a*) for requiring that plans, sections and drawings which by virtue of this section are required to be kept in the case of a mine, or any prescribed class thereof, shall be prepared by, or under the supervision of, the surveyor for the mine;

(*b*) for requiring, with respect to any such plan, section or drawing as aforesaid which has not been prepared by the surveyor for the mine, that the surveyor or such other person as may be prescribed shall take the prescribed steps for ensuring the accuracy thereof;

(*c*) for imposing upon the surveyor for a mine such duties as may be prescribed with respect to—

(i) the preservation and production of any prescribed documents, being documents prepared for the purpose of, or in connection with, the preparation or checking of any of the plans, sections and drawings which by virtue of this section are required to be kept in the case of the mine; and

(ii) the recording of the identity of the person who prepared any such document.

PART II —*cont.*

Furnishing of documents and information requisite for preparation of plans.

18.—(1) It shall be the duty both of the owner and of the manager of every mine, whether requested so to do or not, to furnish to the surveyor for the mine all such plans, sections, drawings and other documents and information in the possession or under the control of the owner or manager as may be requisite for the purpose of the preparation of any plan, section or drawing which, by virtue of the last foregoing section, is required to be kept in the case of that mine and to accord to the surveyor all such facilities as may be requisite for that purpose; and, in particular, but without prejudice to the generality of the foregoing provisions of this subsection, it shall be the duty of the manager of every mine, forthwith after it is determined to cease to maintain a working therein in an accessible condition, to give to the surveyor for the mine notice of that fact, specifying the working in question.

(2) Each of the following persons, namely, the owner of a mine and the manager thereof, shall, if requested so to do by the owner of another mine, furnish to the owner of that other mine or the surveyor therefor any information in the possession of the person to whom the request is made, and permit the owner of that other mine or the surveyor therefor to inspect and take copies of, or extracts from, any plans, sections, drawings or other documents in the possession or under the control of the said person, being information or, as the case may be, documents requisite for the purpose of the preparation of any plan, section or drawing which, by virtue of the last foregoing section, is required to be kept in the case of that other mine.

Faulty plans.

19.—(1) If, in the case of any mine, the Minister is satisfied, upon a representation made to him by an inspector, that a plan, section or drawing which by virtue of the foregoing provisions of this Act is kept by the manager of that mine is inaccurate, incomplete, dilapidated or wholly or partly indecipherable and that, in the interests of safety, it is desirable for a new plan, section or drawing to be made, he may appoint a surveyor to make a new plan, section or drawing.

(2) The following provisions shall have effect where a surveyor is appointed under the foregoing subsection to make a new plan, section or drawing in the case of a mine:—

(*a*) the owner and the manager of the mine shall afford to the surveyor all necessary facilities and information for the purpose of making the new plan, section or drawing;

(*b*) on the completion of the new plan, section or drawing, it shall be sent to the manager of the mine; and

(*c*) the cost of making the new plan, section or drawing, or such part of that cost as the Minister thinks fit, shall be recoverable by him from the owner of the mine.

PART II —*cont.*

Transmission to inspector, and preservation, of plans of abandoned or disused mines, seams and veins.

20.—(1) Provision may be made by regulations—

(*a*) for requiring that—

(i) in the event of the abandonment of a mine or of the expiration of the period of twelve months from the time at which a mine was last worked for the purpose of getting minerals or products of minerals, the person who is the owner of the mine at the time of the happening of that event shall, within the prescribed period thereafter, send to the inspector for the district such plans of the workings in the mine at that time (being plans complying with such requirements as are imposed by or by virtue of the next following subsection), and such drawings supplementary to the plans, as may be prescribed and such sections of the seams or veins worked in the mine and of the strata overlying them (being sections complying with such requirements as aforesaid) as may be prescribed;

(ii) in the event of the abandonment of a seam or vein in a mine or the expiration of the period of twelve months from the time at which a seam or vein in a mine was last worked for the purpose of getting minerals or products of minerals, the person who is the owner of the mine at the time of the happening of that event shall, within the prescribed period thereafter, send to the inspector for the district such plans of the workings in that seam or vein at that time (being plans complying with such requirements as are imposed by or by virtue of the next following subsection), and such drawings supplementary to the plans, as may be prescribed and such sections of that seam or vein and of the strata overlying it (being sections complying with such requirements as aforesaid) as may be prescribed;

(*b*) for imposing, with respect to plans, drawings and sections sent to an inspector in pursuance of such provisions of the regulations as have effect by virtue of the foregoing paragraph, such requirements (whether with respect to the persons by whom they are to be prepared, the giving of certificates with respect thereto or otherwise) as it may appear to the Minister requisite or expedient to impose for the purpose of ensuring the accuracy thereof.

(2) Plans and sections required, by virtue of provisions of regulations having effect by virtue of the foregoing subsection, to be sent to an inspector shall be of durable material and be prepared in such form and manner as may be specified by rules made by the Minister and on a scale not less than such as may

PART II —*cont.*

be so specified, and any such plans shall show the position, in relation to objects on the surface, of the workings delineated on the plans and record such information as may be so specified with respect to orientation, contours, boundaries, faults, workings other than those delineated on the plans and any such other matters (whether similar to the matters aforesaid or not) as may be so specified.

(3) If the Minister is satisfied, on the representation of an inspector,—

(*a*) that there has occurred, in the case of a mine, a contravention of provisions of regulations having effect by virtue of sub-paragraph (i) or (ii) of paragraph (*a*) of subsection (1) of this section consisting of a failure to send a plan, drawing or section to an inspector within the period limited by those provisions or that, in the case of a mine, a plan, drawing or section sent to an inspector in pursuance of those provisions is inaccurate, incomplete, dilapidated or wholly or partly indecipherable; and

(*b*) that, in the interests of safety, it is desirable for a new plan, drawing or section to be made;

the Minister may, within six months from the expiration of that period, appoint a surveyor to make a new plan, drawing or section, and the cost of making the new plan, drawing or section, or such part of that cost as the Minister thinks fit, shall be recoverable by him from the person who was the owner of the mine at the time of the happening of the event in consequence of the happening of which the said provisions fell to be complied with.

(4) Subject to the provisions of the next following subsection, plans, drawings and sections sent to an inspector in pursuance of the said provisions or made by a surveyor appointed under the last foregoing subsection shall be preserved by the Minister or by some other person under arrangements made or approved by the Minister.

(5) Where, at the time at which the working of a mine or a seam or vein therein is resumed, any plans, drawings or sections relating thereto are, by virtue of the last foregoing subsection, preserved by the Minister or by some other person (not being the owner of the mine), the owner shall, on giving not less than fourteen days notice to the person by whom the plans, drawings or sections are preserved and (where that person is not the Minister) to the Minister, be entitled to have delivered to him the plans, drawings or sections subject to affording to the Minister, if required so to do before the expiration of the notice, a reasonable opportunity of making copies of the plans, drawings or sections or of such part thereof as the Minister thinks fit.

PART II —*cont.*

21. Regulations may require the manager of every mine to keep at the office at the mine or at such other place as may be approved by an inspector a geological map of the district in which the mine is situate, being a map conforming to such requirements (if any) as may be prescribed. Geological map.

PART III

SAFETY, HEALTH AND WELFARE (MINES)

Provisions for securing safe Ingress and Egress

Provision of shafts and outlets in coal, &c., mines.

22.—(1) Subject to the provisions of this section, it shall not be lawful for any persons to be employed below ground in a mine of coal, stratified ironstone, shale or fireclay unless there are available, for affording to them alternative, and ready, means of ingress and egress, two shafts or outlets (whether belonging exclusively to that mine or not) which, except where they were sunk before the first day of January, eighteen hundred and sixty-five, are at no point separated from each other by less than forty-five feet or (where the sinking thereof began before the first day of January, eighteen hundred and eighty-eight) ten feet.

(2) Where the employment of persons in an area consisting of the whole or any part of a mine below ground would, apart from the following provisions of this subsection be, by virtue of the foregoing subsection, unlawful in consequence of a shaft or outlet having, as a result of an accident or breakdown, become unavailable for affording to persons employed in that area ready means of ingress and egress, but the manager of the mine is satisfied with respect to that area or any part thereof that persons employed in that area or, as the case may be, that part thereof will not for the time being be exposed to undue risk by reason of that shaft or outlet being unavailable as aforesaid, then if he—

(*a*) posts in a conspicuous position at the mine a notice specifying the accident or breakdown and the said area and stating that he is satisfied as aforesaid with respect to that area or, as the case may be, that part thereof and the reason why he is so satisfied ; and

(*b*) sends, by the quickest means available, to the inspector for the district and the person, if any, for the time being nominated under the provisions of this Act relating to the notification of accidents to receive on behalf of the persons employed at the mine notices under the said provisions, a message to the like effect as the notice mentioned in the foregoing paragraph ;

there shall be excepted from the operation of the foregoing subsection—

(i) the employment in that area or, as the case may be, that part thereof, until the end of his period of work, of

PART III —*cont.*

any person who was below ground in the mine at the time of the accident or breakdown;

(ii) the employment in that area or, as the case may be, that part thereof, until the expiration of the period of twenty-four hours beginning with the time at which the accident or breakdown occurred, of any person in work necessary for securing the safety of the mine or the welfare of animals employed therein or rendering that shaft or outlet again available for the purpose for which it was available immediately before the accident or breakdown:

Provided that nothing in paragraph (i) or (ii) of this subsection shall authorise the employment of any person at any time after the receipt by the manager of the mine of notification from an inspector that, in his opinion, that person should be withdrawn from the area or part of the area in question.

(3) The Minister or an inspector, upon an application in that behalf made to him with respect to a mine, may, by notice served on the manager of the mine, exempt from the operation of subsection (1) of this section the employment of persons below ground in the mine or in such part of the mine below ground as may be specified in the notice:

Provided that no exemption shall be granted under this subsection by the Minister or an inspector unless the Minister or the inspector, as the case may be, is satisfied that no persons employed in the mine will be exposed to undue risk in consequence of the granting of the exemption.

(4) Regulations made with respect to a particular mine of coal, stratified ironstone, shale or fireclay may provide that the employment below ground in the mine, in accordance with such conditions as may be prescribed, of such number of persons (not exceeding thirty) as may be prescribed, being persons to whom only one shaft or outlet is available for affording to them means of ingress and egress shall be excepted from the operation of subsection (1) of this section.

(5) In any claim against the owner or manager of a mine for damages, being a claim arising out of an accident caused by a decision of the manager made for the purposes of subsection (2) of this section, the defendant shall, unless he proves that the manager was not negligent in making that decision, be liable in all respects as if the plaintiff had proved that the manager was negligent in making that decision.

(6) For the purposes of this section a shaft or unwalkable outlet at a mine provided with apparatus for carrying persons through the shaft or outlet shall be deemed not to be available to a person employed below ground in the mine for affording to him means of ingress and egress if that apparatus is not available for use by him.

PART III —*cont.*

(7) In the application of this section to Scotland, for references to a plaintiff and a defendant there shall respectively be substituted references to a pursuer and a defender.

(8) Nothing in this section shall apply to the employment of persons in a shaft or outlet or in the insets of a shaft or outlet.

Communications between shafts and outlets in coal, &c., mines.

23.—(1) So long as, in a mine of coal, stratified ironstone, shale or fireclay, more than one shaft or outlet is available to any persons employed below ground in the mine for affording to them means of ingress and egress, there shall be provided and maintained between—

(*a*) each entrance to each shaft or outlet that is available to those persons for that purpose, being an entrance whereby those persons gain access to the shaft or outlet from the workings; and

(*b*) some point or points on another shaft or outlet so available;

a communication following a reasonably short and reasonably convenient route.

(2) The height of every communication provided in pursuance of the foregoing subsection shall be maintained throughout at not less than five feet and the width of every such communication shall be maintained throughout at not less than four feet:

Provided that—

(*a*) if the Minister is satisfied that, owing to special circumstances affecting mines of coal, stratified ironstone, shale or fireclay of any class, it is inadvisable for reasons of safety or unnecessary, in the case of the communications provided as aforesaid therein or any class of those communications, for the minimum height or width, or height and width, thereof to be as great as provided by the foregoing provisions of this subsection, regulations may provide that those provisions shall have effect, in their application to those communications or that class thereof, with the substitution, for the minimum specified in the said provisions in relation to height, that so specified in relation to width or both of those minima, as the case may be, of such less minimum or minima as may be prescribed; and

(*b*) if an inspector is satisfied that, owing to special circumstances affecting a particular mine of coal, stratified ironstone, shale or fireclay, it is inadvisable for reasons of safety or unnecessary, in the case of all or any of the communications provided as aforesaid therein, for the minimum height or width, or height and width, thereof to be as great as provided by the foregoing provisions of this subsection, he may, by notice served on the

PART III —*cont.*

manager of the mine, direct that those provisions shall have effect in their application to those communications or to such of them as may be specified in the notice, with the substitution, for the minimum specified in the said provisions in relation to height, that so specified in relation to width or both of those minima, as the case may be, of such less minimum or minima as may be specified in the notice.

Limitation on number of persons to be employed at coal, &c., mines in places with single exits.

24.—(1) Subject to the provisions of this section, it shall not be lawful for more than nine persons to be employed at any time below ground in a mine of coal, stratified ironstone, shale or fireclay in a place from which there are not two ways each of which—

(*a*) leads to a different shaft or outlet, being a shaft or outlet provided for affording to persons employed at that place means of ingress and egress;

(*b*) is entirely separate from the other;

(*c*) is traversable with safety and reasonable convenience;

(*d*) at each junction thereof with another way has clearly marked on it the shaft or outlet to which it leads; and

(*e*) if it is so prescribed, is of a height or width, or height and width, not less than such as may be prescribed;

or for more than nine persons in the aggregate to be so employed in two or more such places from none of which can egress to the surface be had otherwise than by traversing a common junction.

(2) As respects a particular mine of coal, stratified ironstone, shale or fireclay, provision may be made by regulations or by a notice served by the Minister or an inspector on the manager of the mine—

(*a*) for exempting the mine or any specified place therein from all or any of the requirements of the foregoing subsection;

(*b*) for directing that the foregoing subsection shall, in its application to the mine or to any specified place therein, have effect with the substitution, for references to nine persons, of references to such greater number of persons (not exceeding thirty) as may be specified in the regulations or notice:

Provided that no such provision as aforesaid shall be made with respect to a mine by the Minister or an inspector unless the Minister or the inspector, as the case may be, is satisfied that no persons employed in the mine will be exposed to undue risk or inconvenience in consequence of the making of such provision.

(3) Nothing in this section shall apply to the employment of persons in a shaft or outlet.

PART III —*cont.*

Limitation on number of persons to be employed at coal, &c., mines in shafts and outlets and their insets.

25.—(1) It shall not be lawful for a number of persons greater than the permitted number to be employed at any time at a mine of coal, stratified ironstone, shale or fireclay in a shaft or outlet:

Provided that, in relation to an outlet (not being an unwalkable outlet), this subsection shall not apply to any part thereof lying between the surface entrance thereto and any point therein from which a communication leads to another outlet or to a shaft, being an outlet or shaft available to persons employed in the said part for affording to them means of ingress and egress.

(2) For the purposes of this section—

(*a*) the permitted number, in relation to a shaft or outlet, shall be twenty or such greater number (not exceeding thirty) as may be determined by an inspector by notice served on the manager of the mine;

(*b*) the insets of a shaft or outlet shall be deemed to form part of the shaft or outlet; and

(*c*) subsection (6) of section twenty-two of this Act shall apply as it applies for the purposes of that section.

(3) Nothing in this section shall be construed as prejudicing the operation of the last foregoing section in relation to the employment of persons in individual insets of a shaft or outlet.

Power to apply foregoing provisions of Part III to other mines.

26. Regulations may provide that the foregoing provisions of this Part of this Act shall (subject to such exceptions, adaptations and modifications, if any, as may be prescribed) apply to mines other than of coal, stratified ironstone, shale or fireclay.

Power of inspector to require provision of additional ways out from working faces in coal mines.

27.—(1) If an inspector is of opinion, with respect to a working face in a mine of coal, that in the interests of safety it is necessary or expedient to provide thereat a greater number of ways out therefrom, he may serve on the manager of the mine a notice specifying that face and stating that he is of opinion as aforesaid with respect thereto and directing that, after the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, the face shall not be worked unless there are provided thereat such additional roads affording means of egress therefrom as may be specified in the notice, being roads leading to such places as may be so specified.

(2) The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under the foregoing subsection.

Provision of winding and haulage apparatus.

28.—(1) Every shaft and unwalkable outlet for the time being provided at a mine of coal, stratified ironstone, shale or fireclay for affording to persons employed below ground therein

PART III —*cont.*

means of ingress and egress shall be provided with apparatus for carrying persons between the top of the shaft and the entrances therefrom to the workings and between those entrances themselves or, as the case may be, for carrying persons between the surface entrance to the outlet and the entrances therefrom to the workings and between those entrances themselves, being apparatus which complies with such requirements (if any) of regulations as it appears to the Minister requisite or expedient to impose for securing the safety of persons when being carried by means thereof and whose use is confined to the shaft or outlet, save where an inspector in any particular case, by notice served on the manager of the mine, consents to its use not being so confined.

(2) Every shaft and unwalkable outlet for the time being provided at a mine other than of coal, stratified ironstone, shale or fireclay for affording to persons employed below ground therein means of ingress and egress, being a shaft or outlet in the case of which the relevant distance exceeds one hundred and fifty feet, shall be provided with apparatus for carrying persons between the top of the shaft and the entrances therefrom to the workings and between those entrances themselves or, as the case may be, for carrying persons between the surface entrance to the outlet and the entrances therefrom to the workings and between those entrances themselves, being apparatus which complies with such requirements (if any) of regulations as it appears to the Minister requisite or expedient to impose for securing the safety of persons when being carried by means thereof, and whose use is confined to the shaft or outlet, save where an inspector in any particular case, by notice served on the manager of the mine, consents to its use not being so confined:

Provided that an inspector may by notice served on the manager of any such mine as is mentioned in the foregoing provisions of this subsection exempt from those provisions a shaft or outlet provided at that mine.

For the purposes of this subsection the expression " relevant distance " means, in the case of a shaft, the distance between the top of the shaft and the bottom of the lowest entrance to the shaft provided for affording to persons access to the shaft and, in the case of an outlet, the distance between the point at which the outlet reaches the surface and the underground entrance provided for affording to persons access to the outlet which is furthest from that point.

(3) All apparatus provided in pursuance of this section shall be properly maintained and, when not in use, kept constantly available for use.

PART III —*cont.*

Power to require provision of machinery, &c., for use in case of failure of winding or haulage apparatus.

29. Regulations may impose upon owners of mines such requirements with respect to the provision and maintenance of the prescribed machinery, apparatus and parts of machinery or apparatus for the purpose of their being available for use in the event of apparatus provided at mines for carrying persons employed thereat through shafts or outlets thereat failing to function as it may appear to the Minister requisite or expedient to impose for the purpose of securing the safety of such persons.

Safety Precautions in connection with Shafts, &c., and Entrances to disused Workings

Securing of shafts and staple-pits.

30.—(1) Every mine shaft and staple-pit shall, save in so far as the natural conditions of the strata through which it passes render it unnecessary (either as to the whole or as to any part thereof) so to make it, be made secure, and shall be kept secure:

Provided that in any prosecution for a contravention of this subsection with respect to a shaft or staple-pit, it shall be a defence to prove that at the time of the alleged contravention no insecure part of that shaft or staple-pit was in use or was the site of any operations in progress by way of driving or extending the shaft or staple-pit.

(2) Subsection (1) of this section shall apply to unwalkable outlets at a mine as it applies to mine shafts.

Safety precautions with respect to entrances to shafts, staple-pits and outlets.

31.—(1) The surface entrance to every mine shaft and every other entrance thereto (whether above or below ground), and every entrance to every staple-pit, shall be provided with an efficient enclosure or barrier so designed and constructed as to prevent any person from accidentally falling down the shaft or staple-pit or accidentally coming into contact with a moving part of any winding apparatus with which the shaft or staple-pit is provided.

(2) Every enclosure or barrier provided in pursuance of the foregoing subsection shall be properly maintained and, where an enclosure or barrier so provided or any part thereof is removable or openable, the enclosure, barrier or part shall be kept securely in position or, as the case may be, securely closed save in so far as its removal or opening is necessary for the purpose of the use of the shaft or staple-pit in connection with which it is provided, the doing of work in the shaft or staple-pit or the inspection of, or of anything in, the shaft or staple-pit.

(3) Provision may be made by regulations for requiring such steps as may be prescribed to be taken for the purpose of preventing persons from accidentally entering outlets at mines or from accidentally coming into contact with moving parts of any apparatus therein.

PART III —*cont.*

(4) For the purposes of this section so much of any superstructure provided at the top of a shaft as forms an extension thereof shall be deemed to form part of the shaft.

(5) This section shall not apply to a shaft or outlet of, or staple-pit in, an abandoned mine or a mine which has not been worked for a period of twelve months, but, save as aforesaid, shall apply as well to shafts, outlets and staple-pits which are not in use as to shafts, outlets and staple-pits which are in use.

Prevention of fall of articles down shafts and staple-pits.

32.—(1) Provision may be made by regulations for requiring such steps as may be prescribed to be taken at mines for the purpose of preventing persons from being injured by the accidental fall of articles down shafts or staple-pits thereat.

(2) Subsection (4) of the last foregoing section shall apply for the purposes of this section as it applies for the purposes of that section.

Safety precautions with respect to entrances to unfit parts of mines.

33.—(1) Every entrance from a road in a mine to a part of the mine which for the time being is not maintained in a state fit for persons to work in or pass through shall be provided with an efficient enclosure or barrier so designed and constructed as to prevent any person from accidentally entering that part of the mine.

(2) Every enclosure or barrier provided in a mine in pursuance of the foregoing subsection shall be properly maintained and, where an enclosure or barrier so provided or any part thereof is removable or openable, the enclosure, barrier or part shall be kept securely in position or, as the case may be, securely closed save in so far as its removal or opening is authorised by the manager of the mine, an under-manager thereof or the person for the time being in charge of the part of the mine in which it is provided.

Roads

General provisions with respect to construction and maintenance of roads.

34.—(1) It shall be the duty of the manager of every mine to take, with respect to every length of road therein, being a length in which vehicles or conveyors run or which is used at the beginning or end of a shift by not less than ten persons for the purpose of walking to or from their working places in the mine, such steps as may be necessary to secure that the following provisions are complied with, namely,—

(*a*) every such length of road made after the commencement of this Act shall be so made and maintained as to avoid sudden changes of direction, height, width and gradient save in so far as either—

(i) the system of working the mine or the natural conditions of the strata therein render it inadvisable for reasons of safety to do so; or

(ii) it is unnecessary to do so;

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(*b*) every such length of road (whether made before or after the commencement of this Act) shall be kept free from obstructions and the floor thereof shall be kept in good repair and in such a condition that any persons or animals who use that length of road can tread it with safety and reasonable convenience.

(2) If, with respect to any such length of road as aforesaid in a mine (being a length made before the commencement of this Act) an inspector is of opinion that any sudden change therein of direction, height, width or gradient ought to be eliminated, he may serve on the manager of the mine a notice specifying that length of road and any such sudden change as aforesaid which he thinks ought to be eliminated and requiring the manager to execute, before the expiration of such period beginning with the date on which the notice becomes operative as may be specified therein, such works to that length of road as will eliminate that sudden change.

The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection.

(3) References in this section to changes of gradient shall be construed as including references to deviations (whether upwards or downwards) from the horizontal.

Height and width of travelling roads.

35.—(1) Every length of road in a mine which is used at the beginning or end of a shift by not less than ten persons for the purpose of walking to or from their working places in the mine, being a length made after the commencement of this Act, shall be not less than five feet six inches high throughout:

Provided that—

(*a*) provision may be made by regulations for exempting from the foregoing provisions of this subsection any such lengths of road as aforesaid of a prescribed class in mines to which the regulations apply, or any prescribed parts of any such lengths of road in such mines or of any such lengths of road of a prescribed class in such mines; and

(*b*) an inspector may, by notice served on the manager of a particular mine, exempt from those provisions any such length of road as aforesaid in that mine or any part of any such length of road.

(2) If, with respect to a length of road in a mine which is used as mentioned in subsection (1) of this section, being a length made before the commencement of this Act which is not throughout of a height of at least five feet six inches, an inspector is of opinion that it is inexpedient that it should continue to be so used unless it is heightened, he may serve on the manager of the mine a notice specifying that length of road and the height (not

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being more than five feet six inches) to which, in his opinion, it ought to be increased if it is to continue to be so used (hereinafter referred to as " the specified height "), and directing that, after the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, every part of that length of road which is so used shall be throughout (except at such places, if any, therein as may be specified in the notice) of a height not less than the specified height.

(3) If, with respect to a length of road in a mine (whether made in whole or in part either before or after the commencement of this Act), being a length which is used as mentioned in subsection (1) of this section, an inspector is of opinion that it is inexpedient that it should continue to be so used unless it is widened, he may serve on the manager of the mine a notice specifying that length of road and the width to which, in his opinion, it ought to be increased if it is to continue to be so used (hereinafter referred to as " the specified width ") and directing that, after the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, every part of that length of road which is so used shall be throughout (except at such places, if any, therein as may be specified in the notice) of a width not less than the specified width.

(4) The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under either of the two last foregoing subsections.

Prohibition of use of vehicles and conveyors in roads not affording free movement.

36.—(1) The manager of a mine—

(*a*) shall not permit vehicles to run in any road therein unless neither the vehicles nor their loads, nor (if the vehicles run as part of rope haulage apparatus) the ropes to which they are attached, nor (if the vehicles are hauled by animals) the animals nor their harnesses rub against the roof or sides of the road, anything supporting the roof and sides of the road or either of them or anything in the road not provided for the purpose of controlling the vehicles or (in the case of vehicles which run as part of rope haulage apparatus) the ropes to which they are attached;

(*b*) shall not permit a conveyor to be operated in any road therein unless neither the conveyor nor its load rubs against the roof or sides of the road, anything supporting the roof and sides of the road or either of them or anything in the road.

(2) In any prosecution for a contravention of this section with respect to the running of vehicles or the operation of a conveyor

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in a road in a mine on any occasion, it shall be a defence to prove either—

(*a*) that the sole purpose for which the vehicles were being run or the conveyor was being operated on that occasion was to facilitate the carrying out to the road of repairs the purpose of the carrying out whereof was to enable the manager of the mine, without contravention of this section, to permit vehicles to run or a conveyor to be operated in that road ; or

(*b*) that—

(i) the fact that rubbing occurred on that occasion was due to a sudden decrease of the height or width of the road which it was impracticable to prevent ; and

(ii) there was no reasonable ground for apprehending that the running of the vehicles or the operation of the conveyor, as the case may be, on that occasion would result in bodily injury to persons or animals using the road ; and

(iii) no avoidable delay was incurred in taking the steps necessary to complete the carrying out to the road, at the place where rubbing occurred, of such repairs as aforesaid.

Transport rules.

37.—(1) The manager of every mine shall have power to make rules (hereafter in this Act referred to as "transport rules") with respect to the use of vehicles and conveyors in the mine and the conditions under which they may be so used and generally for securing the safe operation in the mine of vehicles and conveyors and the avoidance of bodily injury being caused to persons by reason of the running thereof, and in particular, but without prejudice to the generality of the foregoing words,—

(*a*) specifying a standard height and width with respect to each length of road in the mine in which vehicles run or conveyors are operated ;

(*b*) specifying the maximum loads (by reference to weight, dimensions, number or other criterion) that may be carried in vehicles in any length of road in the mine and the maximum number of vehicles (according as to whether they are loaded or unloaded) that may be coupled together to run as a set or train in any length of road in the mine ;

(*c*) specifying the maximum speeds at which vehicles may run in any length of road in the mine ; and

(*d*) prohibiting the conveyance in roads in the mine of persons in vehicles or on conveyors except in such circumstances and in accordance with such conditions,

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if any, as may be specified in the rules and specifying precautions to be observed when persons are so conveyed.

(2) The exercise by the manager of a mine of the power conferred by the foregoing subsection shall be obligatory for the purpose mentioned in paragraph (*a*) of that subsection and also for the purposes mentioned in paragraphs (*b*) to (*d*) thereof save in so far as an exercise of that power for those purposes could, having regard to the circumstances of the mine, serve no object, and regulations may render an exercise of that power obligatory for any other purpose for which it may be exercised.

(3) The power conferred by subsection (1) of this section to specify by transport rules standard heights and widths with respect to lengths of road may, as respects any particular length of road, be so exercised as either to specify a standard height and width to be applicable without exception throughout that length of road or to specify a standard height and width to be applicable throughout that length of road but subject to exceptions (as regards height or width, or both) for such places therein as may be specified in the rules.

(4) Transport rules having effect with respect to a mine may impose duties and prohibitions on persons employed thereat and may make different provision with respect to different roads or classes of roads, different lengths of road or lengths of road of different classes and different classes of vehicles, conveyors and loads.

(5) It shall be the duty of the manager of every mine—

(*a*) so to frame such of the provisions of transport rules as have effect by virtue of paragraph (*a*) of subsection (1) of this section as to secure that, as regards any length of road in the mine to which the provisions relate, the specified standard width is not less than such as is sufficient to permit of the provision of such amount of space as may be calculated to secure the safety of persons who work in or pass through that length of road while vehicles are running or conveyors are being operated therein ; and

(*b*) so to frame such of the provisions of transport rules as have effect by virtue of paragraph (*b*) or (*c*) of that subsection as to secure that each maximum thereby specified is such as will, in his opinion, afford a reasonable margin of safety.

(6) It shall be the duty of the manager of every mine—

(*a*) to take, with respect to every length of road therein with respect to which a standard height and width is specified by provisions of transport rules having effect by virtue of paragraph (*a*) of subsection (1) of this

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section, such steps as are appropriate for securing that the height and width of that length of road throughout are at all times not less than the standard height and width so specified, save, so far as regards any such place therein as is specified in the rules by virtue of subsection (3) of this section, in so far as that height and width are, or either of them is, by virtue of that subsection, inapplicable;

(*b*) to secure that all other provisions of transport rules relating to the mine are executed and enforced.

(7) A transport rule which is inconsistent with the provisions of any regulation shall, to the extent of the inconsistency, be of no effect.

(8) If an inspector is of opinion with respect to a mine that provision ought to be made by transport rules having effect with respect to the mine for any matter for which provision is not for the time being made by such rules or that different provision ought to be made by such rules for any matter for which provision is for the time being made by such rules, he may serve on the manager of the mine a notice stating that he is of that opinion, specifying the matter for which, in his opinion, provision or, as the case may be, different provision ought to be made as aforesaid and the nature of the provision that, in his opinion, ought to be made, and requiring the manager, before the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, to exercise the power conferred on him by subsection (1) of this section in accordance with the tenor of the notice.

The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection.

(9) A copy of all transport rules for the time being in force with respect to a mine shall be kept at the office at the mine or at such other place as may be approved by an inspector, and notices containing a summary of so much of any such rules as affect any person shall be kept posted at suitable places in the mine in such characters and in such positions as to be easily seen and read by him.

(10) A document purporting to be certified by the manager of a mine to be a true copy of any transport rules for the time being in force with respect to the mine shall be receivable in evidence and shall, unless the contrary is proved, be deemed to be such a copy.

Power to require provision of travelling facilities.

38. Regulations may require the provision, in such cases as may be prescribed, of facilities whereby persons employed below ground in mines may be carried through the roads whereby they go to and from their working places or through parts of those

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roads, being cases where the provision of such facilities as aforesaid appears to the Minister to be necessary or expedient in the interests of safety or for the purpose of avoiding excessive fatigue being caused to such persons in going to and from those places.

Provisions for securing safety of foot-passengers in transport roads.

39.—(1) The following provisions shall have effect with respect to every length of road in a mine, being a length in which run vehicles moved otherwise than by hand or by animal traction (whether or not vehicles moved by those means also run therein):—

(*a*) during any period during which vehicles are moving in that length of road otherwise than by those means, no person employed at the mine (other than an authorised person) shall, except in accordance with the provisions of regulations in that behalf, pass on foot along that length of road or any part thereof unless the movement of vehicles in that length of road, other than vehicles moved by those means, is specially stopped for the purpose of allowing him to do so;

(*b*) if that length of road is used at the beginning or end, or at the beginning and end, of a shift by not less than ten persons for the purpose of walking to or from their working places in the mine, it shall be the duty of the manager of the mine to fix a period or periods for the purpose of enabling them to do so in safety, and no person shall cause or permit a vehicle (whether loaded or not) to move, otherwise than by those means, in that length of road during a period fixed in pursuance of the foregoing provisions of this paragraph:

Provided that—

(i) provision may be made by regulations for exempting from the provisions of either or both of the foregoing paragraphs any such lengths of road as aforesaid of a prescribed class in mines to which the regulations apply, and an inspector may, by notice served on the manager of a particular mine, exempt from the provisions of either or both of those paragraphs any such length of road as aforesaid in that mine; and

(ii) in any prosecution instituted in respect of a person's passing along a length of road or part thereof in contravention of paragraph (*a*) of this subsection, it shall be a defence to prove that that person had reasonable cause to believe that it might be necessary for repairs to be carried out forthwith in that length of road and was so passing for the purpose of verifying his belief and of ascertaining the nature or extent of the repairs which he believed it might be necessary to carry out.

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(2) Except with the written permission of the manager of a mine, no person shall, otherwise than in such circumstances and in accordance with such conditions (if any) as may be specified in transport rules having effect with respect to the mine, accompany on foot below ground in the mine a vehicle which is moving as part of any rope haulage apparatus.

(3) For the purposes of paragraph (*a*) of subsection (1) of this section the expression "authorised person" means, in relation to a length of road in a mine,—

(*a*) an official of the mine;

(*b*) a person employed in connection with the running of vehicles in that length of road;

(*c*) a person engaged in, or in connection with, the carrying out in that length of road of repairs which it is necessary to carry out forthwith; or

(*d*) a person engaged in carrying out, by virtue of the provisions of this Act relating to workmen's inspections or of any such agreement as is mentioned in those provisions, an inspection at the mine.

Provision of refuge holes.

40.—(1) Subject to any exceptions for which provision may be made by regulations, the manager of a mine shall not permit vehicles (not being vehicles moved by hand) to run in any length of road in the mine unless there are provided in that length of road (except in so much, if any, of it as is within seventy-five feet of a working face served by it), at intervals not greater than such as may be prescribed and in the prescribed positions, refuge holes each of which is of such dimensions as may be prescribed and complies with such other requirements as may be prescribed.

(2) Every refuge hole for the time being provided in a length of road in a mine for the purpose of enabling the manager of the mine, without contravention of the foregoing subsection, to permit vehicles to run in that length of road shall be kept free from obstruction.

(3) In this section the expression "working face" does not include a place in a road at which ripping or work of repair is in progress.

Safety measures relating to use of vehicles.

41.—(1) So long as vehicles are used in a mine, there shall be provided, maintained and used, either in the mine or on the vehicles or both in the mine and on the vehicles, such safety devices as are necessary to prevent the occurrence of accidents likely to cause bodily injury to persons, being accidents caused by vehicles so used running away; and every device provided in pursuance of this subsection shall be of a kind designed to assume automatically the position in which it operates for the

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purpose for which it is designed, save in a case where there is good reason for not providing a device of that kind.

(2) In addition to the provision, in pursuance of the foregoing subsection, of such safety devices as are therein mentioned, there shall be taken, as respects a person who, otherwise than as a matter of routine, is at work at a place in a mine through which vehicles are running or are accustomed to run, such steps as are necessary to protect him from bodily injury in the event of a vehicle's running away while he is at work at that place.

Provisions for securing safe operation of Winding and Rope Haulage Apparatus and Conveyors

Charge of winding and rope haulage apparatus when persons are carried.

42.—(1) No mechanically or gravity operated winding apparatus with which a mine shaft or staple-pit is provided and no mechanically or gravity operated rope haulage apparatus at a mine shall be operated on any occasion when persons are carried by means thereof except by a competent male person who has attained the age of twenty-two years appointed by the manager of the mine to operate it on such an occasion; and accordingly it shall be the duty of the manager of every mine to appoint such number (if any) of competent male persons as may be sufficient to secure compliance with the foregoing provisions of this subsection.

(2) It shall be the duty of the manager of every mine to and from which persons gain ingress and egress by being carried through a shaft or unwalkable outlet by means of mechanically or gravity operated winding or rope haulage apparatus, or in which persons gain access to a part thereof by being carried through a staple-pit by means of mechanically or gravity operated winding apparatus, to make, and to secure the efficient carrying out of, arrangements whereby, so long as any person is below ground in the mine who it is intended should come out through that shaft, outlet or staple-pit, a person appointed under this section is in attendance at the mine for the purpose of operating the apparatus aforesaid provided for carrying persons through that shaft or outlet or, as the case may be, that staple-pit.

(3) An inspector may serve on the manager of a mine a notice requiring him to secure that, at such times as may be specified in the notice, a person who, in pursuance of arrangements made under the last foregoing subsection, is in attendance at the mine is not charged with the duty of operating more than one set of mechanically or gravity operated winding or rope haulage apparatus.

(4) Subject to any exceptions for which provision may be made by regulations, no person appointed under this section shall be employed at a mine of coal, stratified ironstone, shale or fireclay for more than eight hours in any day on which his duties consist of, or include, the operation, when persons are carried by

means thereof, of mechanically or gravity operated winding apparatus with which a shaft is provided, and regulations may provide for limiting the number of hours for which any such person may be employed in any week in which his duties consist of, or include, the operation as aforesaid of such apparatus.

Charge of winding and rope haulage apparatus when persons are not carried.

43.—(1) No mechanically or gravity operated winding apparatus with which a mine shaft or staple-pit is provided shall be operated on an occasion when no persons are carried by means thereof except by, or under the constant supervision of, a competent male person who has attained the age of twenty-one years.

(2) No mechanically or gravity operated rope haulage apparatus at a mine shall be operated on any such occasion as aforesaid except by, or under the constant supervision of, a competent male person who has attained the age of eighteen years.

Charge of conveyors at working faces.

44. No conveyor shall be operated along a working face in a mine except by, or under the constant supervision of, a competent male person who has attained the age of eighteen years.

Signalling in shafts and outlets.

45.—(1) There shall be provided and maintained—

(*a*) in connection with every mine shaft provided with winding apparatus, being a shaft in the case of which the distance between the highest and lowest entrances thereto for the time being in use exceeds fifty feet, effective means of transmitting audible and visible signals from each entrance to the shaft for the time being in use to the place at which the winding apparatus is operated;

(*b*) in connection with every unwalkable outlet at a mine, being an outlet which is provided with rope haulage apparatus and in the case of which the distance between the terminal surface entrance thereto and the terminal underground entrance thereto exceeds fifty feet, effective means of transmitting audible and visible signals from each entrance to the outlet for the time being in use to the place at which the haulage apparatus is operated;

and provision may be made by regulations for requiring the provision and maintenance, in connection with mine shafts and unwalkable outlets at mines, of means of transmitting signals between the entrances thereto.

(2) Provision may be made by regulations—

(*a*) for requiring that the prescribed signals shall not be transmitted by means provided in pursuance of, or of

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regulations having effect by virtue of, the foregoing subsection otherwise than in the prescribed code;

(*b*) for requiring the manager of a mine to secure the attendance thereat, at such times as may be prescribed, of persons for the purpose of transmitting signals by those means and receiving signals transmitted thereby.

(3) For the purposes of this section—

(*a*) so much of any superstructure provided at the top of a mine shaft as forms an extension thereof shall be deemed to form part of the shaft, and so much of a line of rails running through an outlet as lies between the point at which the outlet reaches the surface and the surface terminus of the line shall be deemed to form part of the outlet;

(*b*) the expression "entrance", in relation to an outlet, includes any place at which vehicles stop for the purpose of loading or unloading; and

(*c*) the expressions "terminal surface entrance" and "terminal underground entrance", in relation to an outlet, mean, respectively, the surface entrance thereto or, if there is more than one, that one for the time being in use which is furthest from the point at which the outlet reaches the surface and the underground entrance thereto for the time being in use which is furthest from that point.

Signalling in roads.

46. Where rope haulage apparatus or a conveyor is installed in a road in a mine or is so installed at a mine as to permit of its operation in a road therein, then, if the length of the part of that road through which vehicles can move as part of that apparatus or, as the case may be, through which loads can be carried by means of that conveyor, exceeds ninety feet, there shall be provided and maintained effective means of transmitting signals from every point throughout that part of that road, to the place at which the apparatus or, as the case may be, the conveyor is operated.

Power to exclude or modify five preceding sections in case of remotely controlled or automatic apparatus.

47. Regulations may provide for excluding or modifying the application of all or any of the provisions of the five last foregoing sections in the case of winding or rope haulage apparatus installed at mines or conveyors so installed, being apparatus or conveyors whose operation is remotely controlled or wholly or partly automatic.

Support

Duty to secure safety of roads and working places.

48.—(1) It shall be the duty of the manager of every mine to take, with respect to every road and working place in the mine, such steps by way of controlling movement of the strata

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in the mine and supporting the roof and sides of the road or working place as may be necessary for keeping the road or working place secure:

Provided that nothing in this subsection shall require the taking of such steps as aforesaid with respect to a road or part of a road which is, or is comprised in, a part of the mine every entrance to which is for the time being provided, in pursuance of section thirty-three of this Act, with such an enclosure or barrier as is therein mentioned.

(2) It shall be the duty of the manager of every mine to take such steps as may be necessary for securing that he is at all material times in possession of all information relevant for determining the nature and extent of any steps which it is requisite for him to take in order to discharge efficiently the duty imposed on him by the foregoing subsection.

Systematic support in coal, shale and fireclay mines.

49.—(1) Subject to the provisions of this section, in every mine of coal, shale or fireclay there shall be provided and maintained systematic support for the roof and sides of—

(*a*) every place where any mineral is worked;

(*b*) every roadhead;

(*c*) every junction of two or more lengths of road through any one of which vehicles or a conveyor run or runs; and

(*d*) every length of road in which persons work otherwise than occasionally or for short periods.

(2) If an inspector is of opinion with respect to a length of road in a mine of coal, shale or fireclay (not being such a length as is mentioned in paragraph (*d*) of the foregoing subsection) that systematic support for the roof and sides (or either of them) of that length of road ought to be provided and maintained, he may serve on the manager of the mine a notice specifying the length of road, stating that he is of opinion aforesaid with respect thereto and requiring the provision before the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, and the maintenance after the provision thereof, of systematic support for the roof and sides of that length of road or either of them, according as may be specified in the notice.

The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection.

(3) Regulations may require or empower inspectors to require the provision and maintenance in mines of coal, shale or

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fireclay of systematic support for roofs or sides, or both, in such cases (not being cases falling within subsection (1) of this section) and to such extent as may be prescribed.

(4) Regulations may provide for exempting from the foregoing provisions of this section any prescribed class of mines of coal, shale or fireclay or any prescribed classes of places where mineral is worked, roadheads, junctions or lengths of road in such mines or any class thereof, and an inspector may, by notice served on the manager of a particular mine of coal, shale or fireclay, exempt from those provisions that mine or any such place as aforesaid, roadhead, junction or length of road therein.

(5) For the purposes of this section references to provision and maintenance of systematic support shall, as respects any mine, be construed as references to provision and maintenance of support in accordance with a system specified in rules to be made by the manager of the mine, being a system consistent with the proper control of movement of the strata in the mine.

(6) Nothing in this section shall be construed as preventing a workman in a mine of coal, shale or fireclay from setting in his working place, in addition to supports set therein in pursuance of a requirement imposed by or by virtue of this section, any support which he has reason to believe it is necessary to set therein for the purpose of securing the safety of himself or another.

Power to require systematic support in other mines.

50.—(1) Regulations may require, or empower inspectors to require, the provision and maintenance in mines other than of coal, shale or fireclay of systematic support for roofs or sides, or both, in such cases and to such extent as may be prescribed.

(2) The reference in this section to provision and maintenance of systematic support shall be construed in like manner as the references thereto in the last foregoing section are required to be construed.

Supply of materials for support.

51.—(1) Subject to any exceptions for which provision may be made by regulations, no materials shall be used for the support of the roof or sides of any place in a mine other than materials provided by the owner of the mine.

(2) No charge shall be levied by the owner of a mine upon any person employed thereat in respect of the provision by the owner of materials for support.

(3) It shall be the duty of the manager of every mine to secure that a sufficient supply of suitable materials for support is at all times readily available, for use at the place where he is actually working, to each workman who needs them, and—

(*a*) where a sufficient supply of such materials is not readily available, for use at the place where he is actually

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working, to a workman who needs them, he shall withdraw to a place of safety and forthwith report to an official of the mine that, by reason of the premises, he has done so; and

(*b*) where it appears to the person for the time being in charge of a part of a mine that such a supply is not available as aforesaid to a workman employed in that part of the mine, the said person shall cause the workman to withdraw as aforesaid;

and where, on any occasion, a workman has, in pursuance of either of the foregoing paragraphs, withdrawn from the place where he was actually working, the person for the time being in charge of the part of the mine in which that place is situate shall not permit the workman to return to it thereafter until that person is satisfied that such a supply of materials as aforesaid will be readily available, for use at that place, to that workman when he needs them.

Withdrawal of support.

52.—(1) No person shall withdraw support from the roof or sides of any place in a mine otherwise than by a method or device by which he does so from a position of safety.

(2) Where it is part of the system of work at a place in a mine to withdraw from the waste or from under the roof adjoining the waste support provided in compliance with a requirement to provide it imposed by or by virtue of section forty-nine or fifty of this Act, no person shall, at that place, otherwise than in accordance with a system specified in rules to be made by the manager of the mine, withdraw as aforesaid support so provided.

Duties of deputies in relation to support.

53. It shall be the duty of every person employed at a mine who is appointed for the purpose of fulfilling any requirements imposed with respect to the mine by virtue of paragraph (*a*) of subsection (1) of section twelve of this Act to ensure to the best of his ability that all such rules made under or by virtue of any of the foregoing provisions of this Act relating to support as have effect with respect to the mine are executed and enforced and that there are duly set any supports which appear to him to be necessary in addition to those set in pursuance of the requirements imposed by or by virtue of the said provisions.

Provisions as to support rules.

54.—(1) Rules made under or by virtue of any of the foregoing provisions of this Act relating to support are hereafter in this Act referred to as " support rules ".

(2) Support rules with respect to a mine shall comply with such requirements with respect to the form thereof and the matters to be specified therein as may be prescribed, and may impose upon persons employed at the mine such duties and prohibitions as it

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appears to the manager of the mine requisite or expedient to impose on them for securing compliance with any requirement imposed by or by virtue of the foregoing provisions of this Part of this Act relating to support.

(3) If, with respect to any support rules for the time being in force with respect to a mine, an inspector is of opinion that the rules require modification in any particular, he may serve on the manager of the mine a notice specifying the rules, stating that he is of opinion aforesaid and specifying the particular in which, in his opinion, the rules require modification and the nature of the modification that, in his opinion, ought to be made, and requiring the manager, before the expiration of such period beginning with the date on which the notice becomes operative as may be specified therein, to modify the rules in accordance with the tenor of the notice.

The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection.

(4) A support rule which is inconsistent with the provisions of any regulation shall, to the extent of the inconsistency, be of no effect.

(5) A copy of all support rules for the time being in force with respect to a mine shall be kept at the office at the mine or at such other place as may be approved by an inspector and where, by virtue of paragraph (*d*) of subsection (1) of section twelve of this Act, districts are delimited in a mine for the purpose of the discharge of their duties by persons appointed for the purpose of fulfilling the requirements imposed with respect to the mine by virtue of paragraph (*a*) of that subsection, a copy of so much of the said rules as relates to each district shall be supplied by the manager of the mine to the person so appointed who is in charge of the district and shall be kept posted at the entrance to the district in such characters and in such a position as to be easily seen and read by the persons employed in the district.

(6) It shall be the duty of the manager of every mine with respect to which support rules are for the time being in force to supply to every person employed at the mine whose duties consist of, or include, the setting of supports in accordance with a system specified in the rules, a document explaining either verbally or diagrammatically, or partly in the one way and partly in the other, the effect of the rules so far as they concern him.

(7) A document purporting to be certified by the manager of a mine to be a true copy of any support rules for the time being in force with respect to the mine shall be receivable in evidence and shall, unless the contrary is proved, be deemed to be such a copy.

Ventilation

PART III —*cont.*

Duty to provide adequate ventilation.

55.—(1) It shall be the duty of the manager of every mine to take such steps as are necessary for securing that there is constantly produced in all parts of the mine below ground ventilation adequate for the following purposes, namely,—

(*a*) diluting gases that are inflammable or noxious so as to render them harmless and removing them; and

(*b*) providing air containing a sufficiency of oxygen.

(2) Without prejudice to the general application of the foregoing subsection,—

(*a*) ventilation produced in a part of a mine shall be deemed for the purposes of that subsection not to be adequate for the purpose of diluting carbon dioxide so as to render it harmless unless the amount thereof in the general body of the air in that part of the mine is not more than one and a quarter per cent. by volume or, if a smaller percentage by volume is prescribed, that smaller percentage;

(*b*) ventilation produced in a part of a mine shall be deemed for the purposes of that subsection not to be adequate for the purpose of providing air containing a sufficiency of oxygen unless the amount of oxygen in the general body of the air in that part of the mine is not less than nineteen per cent. by volume;

and regulations may provide that, without prejudice to the general application of that subsection, ventilation produced in a part of a mine shall be deemed for the purposes of that subsection not to be adequate for the purpose of diluting a prescribed gas (other than carbon dioxide) that is inflammable or noxious so as to render it harmless unless the amount thereof in the general body of the air in that part of the mine is less than the prescribed percentage by volume.

(3) In the discharge of the duty imposed on him by subsection (1) of this section, the manager of a mine shall have regard to the desirability of securing (consistently with the discharge of that duty) the maintenance in the mine of working conditions that are reasonable so far as regards the temperature and humidity of the atmosphere and the amount of dust therein.

(4) Nothing in subsection (1) of this section shall be construed as requiring the production of ventilation—

(*a*) in a part of a mine which is stopped off in a prescribed manner or in such other manner as may be approved by an inspector by notice served on the manager of the mine or is stowed up;

(*b*) in any waste; or

(*c*) in any such other part of a mine as may be prescribed.

PART III —*cont.*

(5) Where, in any part of a mine required by the foregoing provisions of this section to be ventilated, the ventilation is interrupted or ceases to be adequate for the purposes mentioned in subsection (1) of this section, it shall be the duty of the manager of the mine to secure that, until the ventilation is restored, access to that part of the mine is so restricted as to prevent from entering it any person not authorised to do so and no person is permitted to remain in or pass through it except for the purpose of restoring the ventilation or in a case of emergency.

Avoidance of danger from gas in waste.

56.—(1) This section applies to waste other than—

(*a*) waste which is—

(i) stopped off in a prescribed manner or in such other manner as may be approved by an inspector by notice served on the manager of the mine in which it is contained; or

(ii) stowed up; or

(*b*) waste, other than as aforesaid, with respect to which it is known that there is therein—

(i) no inflammable gas; and

(ii) either no noxious gas or no noxious gas in a dangerous concentration.

(2) It shall be the duty of the manager of every mine which contains any waste to which this section applies to secure either—

(*a*) that there is constantly produced in that waste ventilation adequate for the purposes mentioned in subsection (1) of the last foregoing section; or

(*b*) that appropriate steps are taken for the purpose of minimising dangerous emissions from that waste of inflammable or noxious gas.

(3) Subsection (2) of the last foregoing section shall, with any requisite modifications, apply for the purposes of paragraph (*a*) of the last foregoing subsection as it applies for the purposes of subsection (1) of that section.

Power of inspector to require improvement of ventilation.

57.—(1) If an inspector is of opinion, with respect to a part of a mine that is by section fifty-five of this Act required to be ventilated, that, in the interests of the safety or health of the persons employed in that part of the mine, it is necessary or expedient to improve the ventilation produced therein, he may serve on the manager of the mine a notice specifying that part and stating that he is of opinion aforesaid with respect thereto and requiring (according as may be specified in the notice) either—

(*a*) that ventilation which, after the expiration of such period beginning with the day on which the notice

becomes operative as may be specified therein, is produced in that part of the mine in pursuance of the said section fifty-five, must conform to such requirements as may be specified in the notice; or

(*b*) that such works for the purpose of improving the ventilation in that part of the mine as may be specified in the notice shall be executed before the expiration of that period.

(2) The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under the foregoing subsection.

Provisions as to means of ventilation.

58.—(1) Unless, in all parts of a mine that are required by section fifty-five of this Act to be ventilated, ventilation adequate for the purposes specified in subsection (1) of that section is provided wholly by natural means, there shall be provided and maintained on the surface of the mine mechanically operated apparatus capable of producing in all those parts of the mine an amount of ventilation sufficient (apart from any ventilation produced by any mechanically operated apparatus below ground) to enable all the persons who are below ground in the mine at any one time to leave it safely; and any apparatus provided in pursuance of this subsection shall, if it is not normally used to produce ventilation, be used once at least in each week and be kept constantly available for use.

(2) Where (whether in pursuance of the foregoing subsection or not) there is provided on the surface of a mine of coal mechanically operated apparatus for producing ventilation below ground in the mine, then, unless that apparatus is so designed or adapted, and is so installed, as to permit of its operation both by way of forcing air into, and by way of exhausting air from, the mine, there shall be provided in association with that apparatus, maintained and kept constantly available for use, adequate means for reversing the direction of flow of the ventilation produced by that apparatus.

(3) Regulations may—

(*a*) exempt any prescribed class of mines from the provisions of subsection (1) of this section;

(*b*) exempt any prescribed class of mines of coal from the provisions of subsection (2) of this section;

and an inspector may, by notice served on the manager of a particular mine other than of coal, exempt the mine from the provisions of the said subsection (1) and may, by notice served on the manager of a particular mine of coal, exempt the mine from the provisions of either or both of those subsections:

Provided that no exemption shall be granted by regulations made by virtue of this subsection unless the Minister is satisfied

PART III —*cont.*

that no persons employed in mines of the class to which the regulations apply will be exposed to undue risk in consequence of the granting of the exemption, and no exemption shall be granted under this subsection by an inspector in the case of a particular mine unless he is satisfied that no persons employed in that mine will be exposed to undue risk in consequence of the granting of the exemption.

(4) It shall not be lawful to use a fire for ventilation in a mine or, except with the consent of an inspector, given by notice served on the manager of the mine, to release in a mine compressed air for the purpose thereby of diluting or removing inflammable or noxious gas.

Prevention of leakage of air between airways.

59.—(1) Where, of any two lengths of different passages in a mine of coal, stratified ironstone, shale or fireclay, one is made after the commencement of this Act (whatever the date of the making of, or of any part of, the other), then, unless there is (without any steps being taken for the purpose of minimising the leakage of air between them) no, or no appreciable, leakage of air between them, it shall not be lawful to use one as, or as part of, an intake airway and the other as, or as part of, a return airway unless such steps are taken as are necessary for the purpose of minimising the leakage of air between them:

Provided that nothing in the foregoing provisions of this subsection shall render unlawful the use as, or as part of, an airway of so much of any passage in a mine as lies within the relevant distance from a working face to which air is supplied or from which air is drawn off through that airway.

(2) For the purposes of the proviso to the foregoing subsection—

(*a*) the expression " relevant distance " means, in relation to a working face in a mine, four hundred and fifty feet (measured from any point on that face in a straight line on any plane) or such other distance, so measured (whether greater or less than four hundred and fifty feet), as may, in any particular case, be determined by an inspector by notice served on the manager of the mine; and

(*b*) the expression " working face " does not include a place in a road at which ripping or work of repair is in progress.

Provision of barometers and other measuring instruments.

60.—(1) At every mine of coal or fireclay and at every mine other than of coal or fireclay, being either a safety-lamp mine or a mine (other than a safety-lamp mine) containing any waste to which section fifty-six of this Act applies, there shall be provided in a conspicuous place and in such a position as to be

easily seen and read by the persons employed at the mine a barometer which shall, in such cases as may be prescribed, be of the prescribed kind.

(2) Provision may be made by regulations for requiring—

(*a*) the provision at any such mine as aforesaid of a barometer of a prescribed kind in addition to that required by the foregoing subsection to be provided thereat;

(*b*) the provision at the prescribed places in mines of the prescribed instruments for measuring the temperature or humidity, or temperature and humidity, of the atmosphere.

(3) Every instrument provided at a mine in pursuance of, or of regulations having effect by virtue of, the foregoing provisions of this section shall be properly maintained, and regulations may require that any such instrument shall be read by such persons at such times as may be prescribed and that the readings shall be entered by those persons in a book to be provided for that purpose by the owner of the mine.

Lighting, Lamps and Contraband

Lighting.

61.—(1) It shall be the duty of the manager of every mine—

(*a*) to secure the provision of—

(i) suitable and sufficient lighting (whether natural or artificial) in every part of the mine above ground in or through which persons work or pass (account being taken, where lamps are normally carried by persons who work in or pass through any such part, of the amount of light emitted by those lamps);

(ii) suitable and sufficient artificial lighting in every part of the mine below ground in or through which persons work or pass, other than a part in which the installation of artificial lighting is inadvisable for reasons of safety or is unnecessary because of the amount of light emitted by lamps normally carried by persons who work in or pass through it or for any other reason;

(*b*) to secure that all apparatus installed at the mine for producing artificial lighting thereat is properly maintained.

(2) Provision may be made by regulations for requiring the provision and maintenance, at such places at a mine as may be prescribed, of such lights as may be prescribed; but nothing in regulations having effect by virtue of this subsection shall be construed as being in derogation of the general obligation imposed by subsection (1) of this section.

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Permitted lights.

62.—(1) Subject to the provisions of this section, no lamps or lights other than permitted lights shall be allowed or used below ground in a mine of coal first opened on or after the date of the commencement of this Act.

(2) Subject to the provisions of this section, no lamps or lights other than permitted lights shall be allowed or used below ground in a mine (whether of coal or of any other mineral) first opened before the said date, being either—

(*a*) a mine in the case of which, immediately before that date, the use below ground therein of lamps or lights, other than locked safety-lamps or some other means of lighting the use of which below ground therein was authorised by or under the enactments repealed by this Act, was unlawful or would have been unlawful but for an exemption then in force ; or

(*b*) a mine (other than as aforesaid) in the case of which locked safety-lamps were being used below ground therein immediately before that date otherwise than by way of temporary precaution.

(3) Subject to the provisions of this section, no lamps or lights other than permitted lights shall, in the case of a mine (whether of coal or of any other mineral) first opened before the said date (not being a mine to which subsection (2) of this section applies) or of a mine other than of coal first opened on or after the said date, be allowed or used below ground after—

(*a*) the occurrence in any part of the mine below ground of an ignition or explosion of gas naturally present in the mine (whether or not causing death or bodily injury) ; or

(*b*) the introduction of the use, in any part of the mine below ground, of locked safety-lamps otherwise than by way of temporary precaution ; or

(*c*) the expiration of the period of four weeks beginning with the day next following that on which there has become operative a notice served on the manager of the mine by an inspector stating that he is of opinion that no lamps or lights other than permitted lights ought to be used below ground in the mine.

(4) Such a notice as is mentioned in paragraph (*c*) of the last foregoing subsection shall not be served otherwise than in a case where inflammable gas is known to have been naturally present in the mine to which it relates at some time during the period of five years ending with the date on which service is effected, and the provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to any such notice.

(5) If an inspector is satisfied with respect to a mine or a part of a mine that, by reason of the special character

of the mine or part, compliance with the requirements of the foregoing provisions of this section is unnecessary, he may, by notice served on the manager of the mine, exempt the mine or part from those provisions:

Provided that no exemption from the said provisions of a part of a mine of coal shall be granted after the expiration of the period of four years beginning with the commencement of this Act or shall be granted or renewed before the expiration of that period otherwise than so as to expire not later than the expiration of that period.

Safety-lamps and lighting apparatus regulations

63. Regulations may make provision with respect to—

(*a*) the construction of safety-lamps and other lighting apparatus for use in mines and of parts of, and accessories to, such lamps or apparatus;

(*b*) the repair, maintenance, alteration, adjustment and testing of such lamps, apparatus, parts and accessories;

(*c*) the giving out to, and the use and handing in by, persons employed at mines of such lamps and apparatus.

Prohibition of taking into mines safety-lamps not provided by owner or of approved type.

64.—(1) No person shall take or use below ground in a mine a safety lamp other than one provided by the owner of the mine.

(2) No person shall take or use below ground in a mine a safety lamp other than one of a type for the time being approved by the Minister—

(*a*) for use in mines generally, in mines of a class to which that mine belongs or in that mine; and

(*b*) for use by all persons or persons of a class to which that person belongs.

Offences relating to safety-lamps.

65.—(1) A person who damages, destroys or loses or suffers to be damaged, destroyed or lost a safety-lamp given out to him at a mine shall be guilty of an offence:

Provided that, in any proceedings taken against a person in respect of an offence under this section with respect to a safety-lamp, it shall be a defence for him to prove that he took reasonable steps for the care and preservation of the lamp and that, immediately after the occurrence of the damage, destruction or loss, as the case may be, he notified an official of the mine of its occurrence.

(2) A person who tampers with a safety-lamp given out to him at a mine shall be guilty of an offence.

Prohibition of possession of smoking materials in certain mines and parts of mines.

66.—(1) A person who takes or has in his possession below ground in a safety-lamp mine or takes into, or has in his possession in, a safety-lamp part of a mine, any cigar or cigarette, any pipe or other contrivance for smoking or any match or mechanical lighter, shall be guilty of an offence.

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(2) It shall be the duty of the manager of every safety-lamp mine and of every mine containing a safety-lamp part—

(*a*) to make, and to ensure the efficient carrying out of, arrangements whereby all persons employed below ground in the mine or, as the case may be, employed in the safety-lamp part thereof or such of those persons as may be selected in accordance with a system approved by an inspector by notice served on the manager of the mine, and any articles which they have with them, and all other persons and any articles which they have with them, will, for the purpose of ascertaining whether any of them has in his possession any such article as is mentioned in subsection (1) of this section, be searched in the authorised manner immediately before, or (if that is impracticable) immediately after, they go below ground in the mine on any occasion or, as the case may be, enter the safety-lamp part thereof on any occasion; and

(*b*) to secure that, at any time when the said arrangements are not in operation, no person goes below ground in the mine or, as the case may be, enters the safety-lamp part thereof;

and the manager of every safety-lamp mine and of every mine containing a safety-lamp part may, at any time when a person is below ground in the mine or is in the safety-lamp part thereof, as the case may be, cause him and any article which he has with him to be searched in the authorised manner for the purpose of ascertaining whether he has in his possession any such article as is mentioned in subsection (1) of this section.

(3) Where, upon a search made in pursuance of this section, a person who is about to go below ground in a safety-lamp mine or to enter a safety-lamp part of a mine is found to have in his possession any such article as is mentioned in subsection (1) of this section, he shall be guilty of an offence.

(4) Without prejudice to the institution of proceedings against a person for an offence under this section, any such article as is mentioned in subsection (1) of this section which is found upon any search made at a mine in pursuance of this section may be seized by the person making the search and dealt with in such manner as may be directed by the manager of the mine.

(5) No person shall, in pursuance of this section, search any other person on any occasion unless he has previously given on that occasion an opportunity to some two other persons to search himself and, if searched by them, has not been found to have in his possession any such article as is mentioned in subsection (1) of this section.

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(6) A person who on any occasion refuses to allow himself or an article which he has with him to be searched in pursuance of this section shall be guilty of an offence and, without prejudice to the institution of proceedings against him in respect of the offence, if the refusal occurs before he goes below ground in a mine shall not be allowed to go below ground in it on that occasion and, if the refusal occurs when he is in a mine, shall not be allowed to remain in it on that occasion.

(7) It shall be the duty of the manager of every safety-lamp mine and of every mine containing a safety-lamp part to secure that, at or near every place where searches are carried out under arrangements made in pursuance of paragraph (*a*) of subsection (2) of this section, notices warning persons of their liability under subsection (1) thereof are kept posted in such characters and in such positions as to be easily seen and read by persons liable to be searched.

(8) In this section the expression " mechanical lighter " means a mechanical, chemical or electrical contrivance designed or adapted primarily for the purpose of igniting tobacco and the expression " authorised manner " means such manner as may be specified in an order made by the Minister.

Prohibition of taking into certain mines and parts of mines of articles producing flames or sparks.

67.—(1) Subject to the provisions of this section, no article designed or adapted to produce an unprotected flame or an unprotected spark shall be taken or used below ground in a safety-lamp mine or taken into, or used in, a safety-lamp part of a mine.

(2) Nothing in the foregoing subsection shall be construed as prohibiting—

(*a*) the taking into, or use in, a mine or part of a mine of any article in accordance with this Act or regulations;

(*b*) the taking into, or use in, a mine of any class or part of a mine of any class of an article of a description authorised by order of the Minister to be used in a mine of that class;

(*c*) the taking into, or use in, a mine or part of a mine of an article of a description authorised in writing by an inspector to be used in that mine or, as the case may be, that part of that mine.

Electricity and Electrical Apparatus

Electricity and electrical apparatus.

68.—(1) Regulations may make provision with respect to any of the following matters, namely,—

(*a*) the generation, storage, transformation, transmission and use of electricity at mines; and

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(*b*) the use, construction, installation, examination, repair, maintenance, alteration, adjustment and testing of electrical apparatus and electric cables at mines;

shall make provision for requiring that, where the amount of inflammable gas in the general body of the air in a part of a mine below ground exceeds such percentage by volume (which shall not exceed one and a quarter) as may be prescribed, the supply of electricity to all apparatus in that part of the mine (other than such apparatus as may be prescribed, being apparatus as to which the Minister is satisfied that the continued use thereof will not involve undue risk), shall be cut off; and may make provision for requiring the cutting off, in such circumstances (other than as aforesaid) as may be prescribed, of the supply of electricity to apparatus below ground in a mine.

(2) If, with respect to a mine, an inspector is of opinion that the use of electricity below ground therein or in any part thereof below ground would or might involve substantial risk of an explosion of gas or dust, he may serve on the manager of the mine a notice stating that he is of that opinion, and prohibiting, or restricting to such extent as may be specified in the notice, the use of electricity below ground in the mine or in that part thereof, as the case may be.

The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection and any such notice shall, if it is so specified therein, become operative forthwith.

Blasting Materials and Devices

Blasting materials and devices.

69.—(1) Regulations may make provision for prohibiting or restricting the supply, storage or use at mines of blasting materials and devices or any class thereof and, in particular, for prohibiting or restricting the use of such materials and devices or any class thereof in a part of a mine below ground at any time at which the amount of inflammable gas in the general body of the air in that part exceeds the prescribed percentage by volume and in such other circumstances (if any) as may be prescribed.

(2) The Minister may by order impose prohibitions or restrictions on the use, at mines or mines of any class, of any blasting material or device or any class of blasting materials and devices in any case where—

(*a*) regulations having effect by virtue of the foregoing subsection do not prohibit or restrict, or do not, in the opinion of the Minister, sufficiently restrict, the use at mines or mines of that class, as the case may be, of that material or device or such materials and devices of that class, as the case may be; and

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(*b*) the dangers inherent in the use at mines or mines of that class, as the case may be, of that material or device or such materials and devices of that class, as the case may be, are in his opinion such as to render it necessary or expedient for provision for prohibiting or restricting or, as the case may be, further restricting the use at mines or mines of that class, as the case may be, of that material or device or such materials and devices of that class, as the case may be, to be made by such regulations and for temporary provision in that behalf to be made forthwith by the order pending the coming into operation of provision in that behalf made by such regulations.

(3) No blasting material or device shall be taken or used below ground in a mine other than material or a device provided by the owner of the mine.

(4) In this section the expression " blasting materials and devices " means explosives and any articles designed for the purpose of breaking up or loosening minerals by means of explosion, the expansion of gas, the change of a substance from one physical state to another or a chemical reaction not constituting combustion.

Fire Precautions and Provisions as to Rescue

Fire precautions in case of workings served by single intake airway.

70.—(1) Subject to the provisions of this section, it shall not be lawful for more than one hundred persons to be employed below ground in a mine of coal in circumstances in which, if there were a fire in any length of intake airway through which the air supply to all of those persons passes, none of them would be able to withdraw from the mine without either passing through the fire or following a way out to the surface in which, or in any part of which, the air would or might become so contaminated by the products of combustion generated by the fire as to prejudice seriously the possibility of the withdrawal of persons through it in safety, unless—

(*a*) that length of intake airway and everything with which it is equipped are so constructed or treated, and so maintained and used, that that length of airway is, so far as can be reasonably foreseen, free from the risk that any fire that might break out therein would so develop as to prevent or endanger the withdrawal from the mine of those persons; or

(*b*) means are provided for securing that, in the event of a fire in that length of intake airway, those persons will be able to withdraw in safety.

In computing, for the purposes of this subsection, the number of persons employed in such circumstances as aforesaid, a person

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going to or from his working place at the beginning or end of his shift shall, unless it is otherwise prescribed (either generally or in relation to any particular circumstances), be left out of account.

(2) Until the expiration of the period of five years beginning with the commencement of this Act, so much of any road or other passage serving as an airway as was made before the commencement of this Act shall be disregarded for the purposes of the foregoing subsection.

(3) Regulations may provide for exempting from the provisions of subsection (1) of this section any prescribed class of mines of coal and an inspector may, by notice served on the manager of a particular mine of coal, exempt the mine or any part thereof from those provisions.

(4) Regulations may provide that the foregoing provisions of this section shall—

(*a*) apply to mines other than of coal with the substitution, for the reference in subsection (2) to the expiration of the period of five years beginning with the commencement of this Act, of a reference to the expiration of such period beginning with the date on which the regulations come into operation as may be prescribed;

(*b*) have effect, in their application to mines of a prescribed class (whether mines of coal or not), with the substitution, for the reference in subsection (1) to one hundred, of a reference to such less number as may be prescribed.

Provisions for introduction of compulsory use of approved brattice sheeting and conveyor belting.

71.—(1) The Minister may by order appoint for the purposes of this subsection a day in relation to a class of mines specified in the order, and where a day is appointed under this subsection in relation to a class of mines it shall not, after that day, be lawful to use below ground in a mine of that class brattice sheeting other than of a type for the time being approved by the Minister for use in mines of that class.

(2) The Minister may by order appoint for the purposes of this subsection a day in relation to a class of mines specified in the order or to parts specified in the order of mines of a class so specified (being parts below ground) and—

(*a*) where a day is appointed under this subsection in relation to a class of mines, it shall not, after that day, be lawful to use below ground in a mine of that class conveyor belting other than of a type approved by the Minister for use in mines of that class;

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(*b*) where a day is so appointed in relation to specified parts of mines of a specified class, it shall not, after that day, be lawful to use in any such part of a mine of that class conveyor belting other than of a type approved by the Minister for use in mines of that class.

Fire-fighting and rescue operations.

72. Regulations may require the making of such provision as may be prescribed for all or any of the following purposes, namely, the prevention, detection and combating of outbreaks of fire at, and spontaneous heating occurring in, mines and the securing of the efficient conduct (as well in an atmosphere dangerous to life as in an atmosphere not dangerous to life) of such operations for the rescue of persons as it may be necessary to conduct at mines in consequence of the occurrence thereat of outbreaks of fire, explosions or other accidents of whatsoever kind, and in particular, but without prejudice to the foregoing provisions of this section, regulations may make provision—

(*a*) for the establishment and maintenance at mines of such organisations of persons as may be necessary for any of the purposes aforesaid and the provision and maintenance at mines of suitable and sufficient apparatus for any of those purposes, and, in particular, the provision at mines of adequate supplies of water for use in case of fire;

(*b*) for requiring owners of mines to provide and maintain stations (hereafter in this Act referred to as "central rescue stations") for the purpose of providing facilities common to a number of mines for the conduct of such operations as aforesaid, and for the establishment and maintenance at such stations of such organisations of persons as may be necessary for the purpose of conducting such operations and the provision and maintenance thereat of suitable and sufficient apparatus for that purpose; and

(*c*) for securing the efficient training of the members of any organisation of persons maintained in pursuance of the regulations.

Means of escape from rooms in which there is special risk of fire, &c.

73. It shall not be lawful for a person to be employed at a mine in a room, chamber, or similar confined space in which, owing to the nature of any machinery or apparatus installed therein or of any materials stored therein, there is a risk of the outbreak of a dangerous fire or the escape of steam in substantial quantity or of noxious gas in a dangerous concentration, unless either such steps are taken (whether by the provision of

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two or more exits or otherwise) as are necessary for the purpose of minimising the risk of his being trapped therein in any such event or the circumstances in which he is employed are themselves such as to minimise the risk of his being so trapped.

Dust Precautions

Dust precautions.

74.—(1) It shall be the duty of the manager of every mine to ensure that, in connection with the getting, dressing and transporting of minerals below ground in the mine, the giving off of—

(*a*) any dust that is inflammable ; and

(*b*) dust of such character and in such quantity as to be likely to be injurious to the persons employed;

is minimised.

(2) Where, in connection with the carrying on of any operations or process below ground in a mine or in a building on the surface of a mine, there is given off any dust that is inflammable or dust of such character and in such quantity as to be likely to be injurious to the persons employed, it shall be the duty of the manager of the mine to ensure—

(*a*) that the entry of the dust into the air or its accumulation in any place in circumstances in which its accumulation in that place might be dangerous or harmful is minimised by means of steps in that behalf taken as near as possible to the point of origin of the dust;

(*b*) that any of the dust which enters the air is trapped or so dispersed as to render it harmless ; and

(*c*) that any of the dust which is not prevented from accumulating in a place in circumstances in which its accumulation in that place might be dangerous or harmful is either systematically cleaned up and removed to a place where it cannot be dangerous or harmful or treated in manner approved by the Minister for the purpose of rendering it harmless.

(3) Regulations may impose upon managers of mines such requirements with respect to the use thereat of prescribed apparatus and the taking thereat of prescribed steps as it may appear to the Minister requisite or expedient to impose for the purpose of attaining any of the objects mentioned in the foregoing provisions of this section ; and regulations having effect by virtue of this subsection may provide either that compliance therewith by the manager of a mine is to be taken, either without qualification or to a prescribed extent, as compliance with all or any of the requirements of the said provisions or that compliance with the regulations by the manager of a mine is not necessarily to be taken as compliance with any of the said requirements.

Precautions against external Dangers to Workings

PART III —*cont.*

Duty of mine owners and managers to seek evidence of proximity of disused workings, water-bearing strata, &c.

75.—(1) In the case of every mine, the owner thereof and the manager thereof shall each be charged with the duty—

(*a*) of taking such steps as may be necessary for securing that he is at all material times in possession of all information which indicates or tends to indicate the presence or absence, in the vicinity of any workings carried on or proposed to be carried on in the mine, of—

(i) any disused workings (whether mine workings or not);

(ii) any rock or stratum containing or likely to contain water (whether dispersed or in natural cavities);

(iii) any peat, moss, sand, gravel, silt or other material that is likely to flow when wet; and

(*b*) of taking such steps as may be necessary for the purpose of substantiating any such information which comes into his possession (whether in consequence of the discharge of the duty imposed upon him by the foregoing paragraph or not).

(2) In the case of every mine, the owner thereof and the manager thereof shall each be charged with the duty—

(*a*) forthwith after any such information as is mentioned in paragraph (*a*) of the foregoing subsection comes into his possession (whether in consequence of the discharge of the duty imposed upon him by that paragraph or not), of furnishing to the other particulars of the information; and

(*b*) forthwith after taking any steps in discharge of the duty imposed upon him by paragraph (*b*) of that subsection, of furnishing to the other particulars of the steps taken and of any conclusion reached as a result of taking them.

Duty of mine owners and managers to ascertain thickness of strata between workings and surface water.

76.—(1) It shall be the duty both of the owner and of the manager of every mine to take, with respect to any workings carried on or proposed to be carried on in the mine in the vicinity of the sea, a lake or river or any other body of surface water (whether accumulated naturally or artificially) such steps as may be necessary for ascertaining the total thickness of the strata lying between the workings and the surface water.

(2) In the case of every mine, the owner thereof and the manager thereof shall each be charged with the duty, forthwith after obtaining any information in consequence of the discharge of the duty imposed upon him by the foregoing subsection, of furnishing to the other particulars of the information obtained.

PART III —*cont.*

General duty to take precautions against inrushes of gas, water, &c.

77. It shall be the duty of the manager of every mine to take, with respect to every working in the mine, such steps as may be necessary to prevent any inrush into the working of gas from disused workings (whether mine workings or not) or of water or material that flows when wet (whether from disused workings or from any other source).

Powers of inspectors with respect to danger from inrushes of gas, water, &c.

78.—(1) Where an inspector is of opinion, with respect to a working in a mine, that there is a danger of the occurrence of such an inrush into the working as is mentioned in the last foregoing section, being a danger that in his opinion is capable of being averted, and either no steps for averting the danger have been taken or steps that have been taken for that purpose appear to the inspector to be inadequate or improper, he may serve on the manager of the mine a notice specifying the working, stating that he is of opinion aforesaid with respect thereto, and that, as the case may be, no steps for averting the danger have been taken or steps so taken appear to him to be inadequate or improper, and imposing all or any of the following requirements, that is to say:—

(*a*) a requirement that the manager shall, before the expiration of such period beginning with the date on which the notice becomes operative as may be specified therein, execute such works for the purpose of averting the danger as may be specified in the notice;

(*b*) a requirement that, until such works have been executed, no person shall (save for the purpose of executing the works or saving life) be permitted by the manager to be in the mine or in such part thereof as may be specified in the notice;

(*c*) a requirement that operations for getting minerals in the working shall, to such extent as may be specified in the notice, be discontinued until such works have been executed, or shall not be continued otherwise than in accordance with such a system of working as may be so specified.

(2) Where an inspector is of opinion, with respect to a working in a mine, that there is a danger of the occurrence of such an inrush into the working as is mentioned in the last foregoing section, being a danger that in his opinion is not capable of being averted, he may serve on the manager of a mine a notice specifying the working, stating that he is of opinion aforesaid with respect thereto, and requiring that operations for getting minerals in the working be permanently discontinued and, if the inspector thinks fit, imposing,

in addition, either or both of the following requirements, that is to say:— PART III —*cont.*

(*a*) a requirement that the manager shall, before the expiration of such period beginning with the date on which the notice becomes operative as may be specified therein, execute such works for the purpose of protecting the rest of the mine as may be so specified;

(*b*) a requirement that, until such works have been executed, no person shall (save for the purpose of executing the works or saving life) be permitted by the manager to be in the mine or in such part thereof as may be specified in the notice.

(3) The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under either of the foregoing subsections, and any such notice shall, if it is so specified therein, become operative forthwith.

Duties of Officials and Workmen in Cases of Danger

79.—(1) Where inflammable gas is present at a place below ground in a mine in a concentration deemed for the purposes of this section to be excessive, the person in charge of the part of the mine in which that place is situate shall comply with the following requirements, namely:— **Withdrawal of workmen in cases of danger.**

(*a*) he shall forthwith cause all persons employed in so much of that part of the mine as appears to him to be affected (hereinafter referred to as the "affected area") to leave it;

(*b*) unless he is the manager of the mine, he shall, forthwith after complying with the foregoing paragraph, inform his immediate superior and the person in charge of any other part of the mine appearing to him to be likely to be affected that inflammable gas is present at the said place in a concentration deemed as aforesaid to be excessive;

(*c*) so soon after complying with paragraph (*b*) of this subsection (or, in a case where that paragraph does not apply, paragraph (*a*) of this subsection) as it is possible so to do without undue risk, he shall himself ascertain, or cause some competent person to ascertain, the condition of the affected area and the measures that it is necessary to take for the purpose of rendering it safe.

(2) The foregoing subsection shall, with the requisite modifications, apply where it appears to the person in charge of a

PART III —*cont.*

part of a mine below ground that there exists at a place in that part a danger constituted—

(*a*) by the presence of inflammable gas (whether or not the concentration thereof is deemed for the purposes of this section to be excessive); or

(*b*) otherwise howsoever;

as it applies in the circumstances mentioned in that subsection.

(3) Where, on any occasion, persons have been caused to leave an affected area in pursuance of the foregoing provisions of this section, no person shall thereafter be permitted to enter it until both of the following conditions are fulfilled, namely,—

(*a*) that inflammable gas is not present at any place therein in a concentration deemed for the purposes of this section to be excessive; and

(*b*) that the appropriate person is satisfied that it is free from all danger (whether constituted by the presence of inflammable gas or otherwise howsoever):

Provided that nothing in this subsection shall be taken to prohibit a person from entering an affected area for the purpose of saving life, giving effect to paragraph (*c*) of subsection (1) of this section, rendering that area or any other part of the mine safe or ascertaining either the effectiveness of any measures taken for the last-mentioned purpose or whether, apart from this proviso, persons may lawfully be permitted to enter the affected area.

(4) Where persons have, on any occasion, been caused to leave an affected area in pursuance of the foregoing provisions of this section, the person who caused them to leave it shall record in a book to be provided for that purpose by the owner of the mine particulars of the reason for his causing them to leave that area and of the matters disclosed as a result of giving effect to paragraph (*c*) of subsection (1) of this section and subscribe his signature thereto.

(5) For the purposes of this section the concentration of inflammable gas present at a place in a mine shall be deemed to be excessive—

(*a*) if, being a place in—

(i) a safety lamp mine; or

(ii) a part of a mine other than a safety-lamp mine, being a part in which the use of lamps or lights other than permitted lights is unlawful;

the amount of such gas present in the general body of the air at that place is not less than two per cent. by volume or, if a greater percentage by volume (not exceeding two and a half) is prescribed, that greater percentage;

(*b*) if, being a place other than such a place as is mentioned in the foregoing paragraph, either—

(i) the amount of such gas present in the general body of the air at that place is not less than one and a quarter per cent. by volume or, if a smaller percentage by volume is prescribed, that smaller percentage; or

(ii) an indication of gas is seen at that place on the lowered flame of a safety lamp;

and for the purposes of subsection (3) of this section the appropriate person, in relation to an affected area, shall be the person in charge of the part of the mine which consists of, or includes, that area, except in a case where any of his superiors is present, and in the said excepted case shall be the senior of his superiors present.

Duty of workmen to deal with, or report, danger.

80. If it appears to a person employed at a mine (not being an official of the mine) that a danger affecting the mine or a part thereof has arisen or is about to arise, he shall—

(*a*) if the taking of measures to render the mine or part safe after that danger has arisen or to prevent that danger from arising, as the case may be, falls within the scope of his normal duties, forthwith take those measures; and

(*b*) if not, forthwith report the matter to an official of the mine.

Machinery and Apparatus

Construction, maintenance, &c., of machinery and apparatus.

81.—(1) All parts and working gear, whether fixed or movable, including the anchoring and fixing appliances, of all machinery and apparatus used as, or forming, part of the equipment of a mine, and all foundations in or to which any such appliances are anchored or fixed shall be of good construction, suitable material, adequate strength and free from patent defect, and shall be properly maintained.

(2) Provision may be made by regulations—

(*a*) for imposing such requirements (in addition to those imposed by the foregoing subsection) with respect to the construction, installation, maintenance, use, testing, repair, adjustment, alteration and examination of such machinery or apparatus as aforesaid as appear to the Minister to be expedient in the interests of the safety or health of persons employed at mines; and

(*b*) for prohibiting the installation at mines of machinery or apparatus constructed in contravention of the regulations.

PART III —*cont.*

Fencing of exposed parts of machinery.

82.—(1) Subject to the provisions of this section, every flywheel and every other dangerous exposed part of any machinery used as, or forming, part of the equipment of a mine shall be securely fenced; and where means of fencing are prescribed with respect to any such part of any such machinery as aforesaid, the fencing provided in pursuance of the foregoing provisions of this subsection for that part shall be provided by those means.

(2) It shall be the duty of the manager of every mine to ensure that fencing provided in pursuance of the foregoing subsection is properly maintained and is kept in position while the parts required to be fenced are in motion or in use, except where such parts are exposed for an examination or adjustment which it is necessary to carry out while they are in motion or use and all such conditions as may be prescribed are complied with.

Restrictions on use below ground of certain engines, &c.

83. No internal combustion engine, steam boiler or locomotive shall be used below ground in a mine otherwise than in accordance with the provisions of regulations in that behalf or with the consent of the Minister or an inspector.

Air, gas and steam containers.

84.—(1) All apparatus used as, or forming, part of the equipment of a mine, being apparatus which contains or produces air, gas or steam at a pressure greater than atmospheric pressure shall be so constructed, installed, maintained and used as to obviate any risk from fire, bursting, explosion or collapse or the production of noxious gases.

(2) Provision may be made by regulations for prohibiting the installation at mines of such apparatus as aforesaid at places of such descriptions as may be prescribed and for requiring reports to be made of the results of examinations thereof made in pursuance of provisions of regulations having effect by virtue of section eighty-one of this Act.

(3) The Minister may at any time require any such apparatus as aforesaid at a mine to be examined by a person nominated by him and the manager of the mine shall give the necessary facilities for the examination; and if, as a result of the examination, it appears that any report of the result of an examination of the apparatus (being a report made in pursuance of regulations having effect by virtue of the last foregoing subsection) was inadequate or inaccurate in a material particular, the cost of the examination under this subsection shall be recoverable by the Minister from the owner of the mine.

Loading of cranes, &c.

85.—(1) There shall be plainly marked on every crane, crab and winch used as, or forming, part of the equipment of a mine the safe working load or loads thereof, except that, in the case of a jib crane so constructed that the safe working load may be

PART III —*cont.*

varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(2) No person shall, except for the purpose of a test, load any such crane, crab or winch as aforesaid beyond the safe working load marked or indicated thereon in pursuance of the foregoing subsection.

(3) This section shall not apply to winding apparatus with which a mine shaft or staple-pit is provided or to any rope haulage apparatus, and regulations may provide that this section shall not apply to any other apparatus of a prescribed class.

Buildings, Structures, Means of Access, &c.

Buildings and structures to be kept safe.

86. All buildings and structures on the surface of a mine shall be kept in safe condition.

Safe means of access and safe means of employment.

87.—(1) There shall be provided and maintained safe means of access to every place in or on a building or structure on the surface of a mine, being a place at which any person has at any time to work.

(2) Where a person is to work at any such place as aforesaid from which he will be liable to fall a distance of more than ten feet, then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold, means shall be provided by fencing or otherwise for ensuring his safety.

Training and Discipline

Restriction on doing of work by unskilled persons.

88. It shall be the duty of the manager of every mine to secure that no person is employed thereat in any work otherwise than under the instruction and supervision of some person competent to give instruction in, and supervise, the doing of that work, unless the first-mentioned person has received adequate instruction in, and (where necessary) training for, the doing of that work and is competent to do it without supervision.

Penalization of failure to observe safety directions, &c.

89. A person employed at a mine who contravenes—

(*a*) any transport or support rules having effect with respect to the mine; or

(*b*) any directions given to him by or on behalf of the owner or manager of the mine or any rule made by the manager of the mine for regulating the conduct either of all persons employed thereat or any class of persons so employed to which that person belongs, being directions given, or a rule made, for the purpose of securing

PART III —*cont.*

compliance with this Act, orders made thereunder or regulations or any transport or support rules having effect with respect to the mine or of securing the safety or health of that person or any other person employed at the mine;

shall be guilty of an offence.

Penalization of negligent acts or omissions and unauthorised removal, &c., of articles.

90.—(1) A person who negligently or wilfully does at a mine anything likely to endanger the safety of the mine or the safety or health of persons thereat or negligently or wilfully omits to do at a mine anything necessary for securing the safety of the mine or the safety or health of persons thereat shall be guilty of an offence.

(2) A person (not being an official of the mine) who, without permission granted by such an official, removes, alters or tampers with anything provided at a mine for the purpose of securing the safety or health of persons employed thereat shall be guilty of an offence.

First Aid

First aid.

91.—(1) It shall be the duty of the manager of every mine to secure the provision thereat of adequate facilities and equipment for the purpose of rendering first-aid to persons employed at the mine who, while so employed, suffer bodily injury or become ill.

(2) Regulations may—

(*a*) determine for mines of any class what are adequate facilities and equipment for the purposes of the foregoing subsection;

(*b*) require the attendance at mines during working hours of persons trained in first-aid treatment and the making and carrying out at mines—

(i) as respects persons who, while employed below ground thereat, suffer bodily injury or become ill, of such arrangements for their conveyance from the place where they were injured or became ill to the surface as may be prescribed; and

(ii) as respects persons who, while employed thereat (whether above or below ground), suffer bodily injury or become ill, of such arrangements for their conveyance (where necessary) to hospitals or their homes as may be prescribed.

Medical Examinations and Prohibition of Heavy Work

PART III —*cont.*

Medical examination of young persons.

92. Provision may be made by regulations for requiring young persons employed or seeking employment at mines to submit themselves for medical examination and for prohibiting the employment at a mine, either absolutely or in a particular capacity or in particular work, of—

(*a*) a young person who upon being required to submit himself for medical examination in accordance with the regulations fails without reasonable cause to do so;

(*b*) a young person as to whom it is determined in accordance with the regulations that, by reason of his physical or mental condition, he is unfit for such employment or for such employment in that capacity or in that work, as the case may be.

Prohibition of heavy work by women and young persons.

93. A woman or young person shall not be employed at a mine to lift, carry or move a load so heavy as to be likely to cause injury to that woman or young person.

General Welfare Provisions

Sanitary conveniences.

94.—(1) It shall be the duty of the manager of every mine to secure the provision thereat (as well below as above ground) of sufficient and suitable sanitary conveniences for the use of persons employed thereat being, in a case where persons of both sexes are, or are intended to be, so employed, conveniences affording proper separate accommodation for persons of each sex.

(2) All sanitary conveniences provided in pursuance of the foregoing subsection shall be kept clean and properly maintained and reasonable provision shall be made for lighting them.

Measures against vermin and insects.

95.—(1) It shall be the duty of the owner of every mine to take such steps as are necessary to secure that all parts of the mine below ground are kept free from rats and mice, and provision may be made by regulations for requiring owners of mines to take steps for the destruction below ground therein of insects or any prescribed class of insects or otherwise for keeping parts of mines below ground free from insects or any prescribed class of insects.

(2) Nothing in this section shall be construed as excluding the application to parts of mines below ground of any of the provisions of the Prevention of Damage by Pests Act, 1949.

Welfare regulations.

96. Regulations may impose such requirements with respect to the provision and maintenance, for the use of persons employed at mines, of—

(*a*) washing facilities, including soap and clean towels or other suitable means of cleaning and drying;

PART III —*cont.*

(*b*) accommodation and facilities for changing into clothing worn during working hours and for storing and drying clothing so worn and clothing not so worn; and

(*c*) canteens, or accommodation and facilities (including facilities for heating food and boiling water) for enabling such persons to partake of meals provided by themselves;

as appear to the Minister to be expedient for the purpose of securing the welfare of such persons.

Supply of drinking water.

97. There shall be provided and maintained on the surface of every mine, at suitable points conveniently accessible to all persons employed at the mine, an adequate supply of wholesome drinking water.

PART IV

MANAGEMENT AND CONTROL (QUARRIES)

Appointment of quarry managers.

98.—(1) Subject to the following provisions of this Act, no quarry shall be worked unless either—

(*a*) there is a sole manager of the quarry, being an individual, and every part thereof is within his jurisdiction; or

(*b*) there are two or more managers of the quarry, being individuals, and the following conditions are satisfied, namely,—

(i) that every part of the quarry is within the jurisdiction of some one of the managers but not within the jurisdiction of any of the others; and

(ii) that the parts of the quarry over which they severally exercise jurisdiction are defined by an instrument in writing executed by the owner of the quarry and lodged with the inspector for the district and approved by him by notice served on the owner.

(2) Approval for the purposes of sub-paragraph (ii) of paragraph (*b*) of the foregoing subsection shall, in the case of a quarry, not be withheld or withdrawn by an inspector unless he is satisfied that failure to withhold or withdraw it would or might be likely to result in the safety or health of the persons employed at that quarry being prejudiced.

(3) A manager of a quarry shall be appointed by the owner thereof who, if an individual, may appoint himself.

General powers and duties of quarry managers.

99. Subject to the provisions of the next following section—

(*a*) a sole manager of a quarry shall have the management and control of the quarry, exercisable subject to any instructions given to him by or on behalf of the owner of the quarry, and shall also have the duty of securing

PART IV —*cont.*

the discharge by all others of obligations imposed on them with respect to the quarry by or by virtue of the following provisions of this Act; and

(*b*) a manager of a quarry who is not the sole manager thereof shall have the management and control, exercisable as aforesaid, of the part of the quarry over which his jurisdiction extends, and shall also have the duty of securing, so far as regards that part, the discharge by all others of such obligations as aforesaid.

Power of quarry owner to exclude matters from manager's control.

100.—(1) In the case of any quarry, there shall be excepted from the management and control vested in a manager thereof by the last foregoing section any matter responsibility for which is for the time being reserved to himself by the owner of the quarry by instrument in writing executed by him and lodged with the inspector for the district, and a manager of a quarry shall not, so far as regards any matter which, by virtue of the foregoing provisions of this subsection, is excepted from the management and control vested in him as aforesaid, be concerned to secure compliance with any requirement imposed with respect to the quarry by or by virtue of this Act.

(2) If the inspector for the district is of opinion that, in the case of a quarry, reservation to the owner thereof, by an instrument lodged with the inspector for the purposes of the foregoing subsection, of responsibility for any particular matter is, or might be, likely to prejudice the safety or health of persons employed at that quarry, the inspector may, by notice served on the owner, direct that the instrument shall, to the extent of the reservation, be of no effect.

(3) Nothing in subsection (1) of this section shall be construed as authorising the divestment of, or as operating to divest, a manager of a quarry of any duty expressly imposed on him by or by virtue of the following provisions of this Act.

Rights of quarry manager with respect to instructions given by or on behalf of owner.

101.—(1) Any instructions given to a manager of a quarry by or on behalf of the owner thereof, being instructions affecting the fulfilment, in relation to the quarry, by the manager of statutory responsibilities of his shall, so far as they are not written, be confirmed in writing by the person by whom they were given forthwith after the making of a request in that behalf by that manager.

(2) Except in a case of emergency, neither the owner of a quarry nor a person acting on his behalf shall, except with the consent of a manager of the quarry, give, otherwise than through that manager, to a person employed at the quarry who is responsible to that manager, any instructions affecting the discharge of that person's duties in relation to a matter over which

PART IV —*cont.*

the management and control vested in that manager by section ninety-nine of this Act extends; and where the owner of a quarry or a person acting on his behalf gives, in either of the said excepted cases, instructions which, apart from the exception, would be required to be given through a manager of the quarry, the person who gave the instructions shall, forthwith after he has given them, inform the manager through whom, apart from the exception, the instructions would have been required to be given of the substance thereof and, if requested so to do by him, confirm them in writing forthwith after the making of the request.

The foregoing provisions of this subsection shall not apply to any instructions given to a person responsible to a manager of a quarry by a person who is himself responsible to that manager for those instructions.

Temporary appointments during vacancy in office of quarry manager.

102.—(1) Where a manager of a quarry dies, resigns or otherwise ceases to hold office, nothing in section ninety-eight of this Act shall prevent the quarry being worked at any time during a period not exceeding seventy-two days (or such longer period as an inspector may allow) until a successor is appointed, if at that time there is a person appointed by the owner of the quarry to exercise and perform, in the event of that manager's ceasing to hold office, his powers and duties until a successor is appointed, being a person who has the like jurisdiction as that manager had immediately before he ceased to hold office.

(2) A person appointed by the owner of a quarry as mentioned in the foregoing subsection shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act and regulations—

(*a*) if he is acting in the place of a sole manager of the quarry to which the appointment relates, in all respects as if he were the sole manager thereof;

(*b*) if not, in all respects as if he were a manager of the quarry with the like jurisdiction as the manager in whose place he is acting.

Supervision by quarry managers.

103.—(1) No quarry of which there is a sole manager shall be worked unless close and effective supervision over all operations in progress thereat is exercised by the manager or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner of the quarry to exercise such supervision during any such period, and no quarry of which there are two or more managers shall be worked unless close and effective supervision is exercised by each manager or, during any such period as aforesaid, by a person

PART IV —*cont.*

appointed as aforesaid, over all operations in progress in every part of the quarry to which the jurisdiction of that manager extends:

Provided that nothing in the foregoing provisions of this subsection shall be construed as requiring the supervision thereby required to be exercised by a manager of a quarry to extend to any operation in so far as it involves matters which, by virtue of section one hundred of this Act, are excepted from the management and control vested in him by section ninety-nine thereof.

(2) A person appointed by the owner of a quarry as mentioned in the foregoing subsection shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act and regulations—

(*a*) where there is a sole manager of the quarry to which the appointment relates, in all respects as if he were sole manager thereof;

(*b*) where there are two or more managers of that quarry, in all respects as if he were the manager whose absence or inability to act is the occasion for his acting in exercise of his appointment;

but nothing in the foregoing provisions of this subsection shall be construed as divesting a manager of a quarry of any power, or relieving him from any duty or liability, conferred or imposed on him by or by virtue of this Act.

Power to require qualified manager where certain quarrying operations are carried on.

104. Regulations may prohibit the carrying on at a quarry of operations of a prescribed class unless the part of the quarry in which operations of that class are carried on is within the jurisdiction of a manager who has the prescribed qualifications, and any such regulations may—

(*a*) make such provision for rendering temporarily inapplicable the prohibition thereby imposed as it appears to the Minister requisite or expedient to make for the purpose of avoiding, in the case of a manager's ceasing to hold office, sudden cessation of the carrying on at the quarry of operations of that class;

(*b*) provide that the last foregoing section shall not operate to authorise the working of a quarry by virtue of the exercise, over operations of that class, of supervision by a person other than a manager, unless that person has the prescribed qualifications; and

(*c*) confer upon a manager of a quarry who has the prescribed qualifications, with respect to instructions given by or on behalf of the owner of the quarry, such rights to require written confirmation of the instructions as a condition precedent to the execution thereof (whether

PART IV —*cont.*

by himself or another) as it may appear to the Minister requisite or expedient to confer on the manager for the purpose of securing that the safety and health of persons employed at the quarry is not prejudiced or that the manager is not impeded in the discharge of duties imposed on him by or by virtue of this Act.

Duties of quarry managers and owners with respect to reading of reports, &c.

105.—(1) It shall be the duty of every manager of a quarry, with respect to each report, record or other item of information which in pursuance of this Act or regulations is entered in a book which by or by virtue of this Act is required to be provided for that purpose by the owner of the quarry, either to read it himself forthwith or to secure that it is read forthwith by some other competent person and that there is promptly brought to his notice any matter disclosed by the report, record or other item of information which relates to a matter over which the management and control vested in him by section ninety-nine of this Act extends and either is of an abnormal or unusual nature as regards the quarry or, not being of such a nature, is of a kind which will or may necessitate the taking of any steps by the manager or any other person.

(2) Where responsibility for any matter is for the time being duly reserved to the owner of a quarry, it shall be his duty, with respect to each such report, record or other item of information as aforesaid, either to read it himself forthwith or to secure that it is read forthwith by some other competent person and that there is promptly brought to his notice any matter disclosed by the report, record or other item of information which relates to the matter responsibility for which is so reserved and either is of an abnormal or unusual nature as regards the quarry or, not being of such a nature, is of a kind which will or may necessitate the taking of any steps by the owner or any other person.

Officials, &c.

106. Regulations may require the appointment by owners or managers of quarries, for the purpose of supervising, inspecting or conducting thereat, or in relation thereto, such operations or matters as may be prescribed, of such officials, engineers or technicians or other competent persons as may be prescribed, and regulations made by virtue of this section may prescribe the qualifications to be held and the duties to be discharged by the persons thereby required to be appointed.

Notification to district inspector of appointments by quarry owners.

107. Forthwith after the appointment by the owner of a quarry of a person to be a manager thereof, to exercise and perform, in the event of a manager thereof ceasing to hold office, his powers and duties until a successor is appointed, or to exercise close and effective supervision during a period when a manager of the quarry is absent or unable to exercise such supervision,

the owner shall give to the inspector for the district notice, in such form as may be specified by the Minister, of the making of the appointment and of the name and address of the person appointed.

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PART V

SAFETY, HEALTH AND WELFARE (QUARRIES)

Provisions for securing safe methods of working.

108.—(1) It shall be the duty of every manager of a quarry to secure that any quarrying operations carried on in a part of the quarry to which his jurisdiction extends are so carried on as to avoid danger from falls (whether within or outside that part and whether of the minerals worked or any other substance).

(2) Without prejudice to the generality of the foregoing subsection, every manager of a quarry shall secure that, in no part of the quarry to which his jurisdiction extends, shall the face or sides of the quarry or any gallery thereon be so worked as to cause any overhanging:

Provided that—

(*a*) if the Minister is satisfied with respect to any prescribed class of quarries that, having regard to the system of working quarries of that class and the natural condition of the minerals thereof, fulfilment of the requirement imposed by the foregoing provisions of this subsection is unnecessary to secure the safety of persons employed thereat, regulations may provide that quarries of that class or such parts thereof as may be prescribed shall be exempted from that requirement; and

(*b*) if an inspector is satisfied with respect to a particular quarry that, having regard to the system of working the quarry and the natural condition of the minerals thereof, fulfilment of that requirement is unnecessary to secure the safety of persons employed thereat, he may, by notice served on the owner of the quarry, exempt the quarry or such part thereof as may be specified in the notice from that requirement.

Safe means of access to working places.

109. Without prejudice to the provisions of section eighty-seven of this Act as applied to quarries by this Part of this Act, there shall be provided and maintained safe means of access to every place at a quarry at which any person has at any time to work.

Provisions relating to use of ropeways and vehicles.

110.—(1) After the expiration of the period of two years beginning with the commencement of this Act, no ropeway and no vehicle running on rails shall, except in such cases and in accordance with such conditions, if any, as may be prescribed, be used at a quarry for the purpose of carrying persons employed thereat to or from their working places.

PART V —*cont.*

(2) So long as vehicles running on rails are used at a quarry, there shall be provided, maintained and used, either at the quarry or on the vehicles or both at the quarry and on the vehicles, such safety devices as are necessary to prevent the occurrence of accidents likely to cause bodily injury to persons, being accidents caused by any such vehicles' running away; and every device provided in pursuance of this subsection shall be of a kind designed to assume automatically the position in which it operates for the purpose for which it is designed, save in a case where there is good reason for not providing a device of that kind.

(3) In addition to the provision, in pursuance of the last foregoing subsection, of such safety devices as are therein mentioned, there shall be taken, as respects a person who, otherwise than as a matter of routine, is at work at a place in a quarry through which vehicles are running on rails or are accustomed so to run, such steps as are necessary to protect him from bodily injury in the event of any such vehicles' running away while he is at work at that place.

Lighting.

111. It shall be the duty of the owner of every quarry—

(*a*) to secure the provision, in each part of the quarry in which persons work at a time when natural light is insufficient to enable them to work in safety and in each part of the quarry through which persons pass at a time when natural light is insufficient to enable them to pass in safety, of suitable and sufficient artificial lighting; and

(*b*) to secure that all apparatus installed at the quarry for producing artificial lighting thereat is properly maintained.

Dust precautions.

112.—(1) Where, in connection with the carrying on of a process at a quarry, elsewhere than in a building thereat, there is given off dust of such character and in such quantity as to be likely to be injurious to the persons employed, it shall be the duty of every manager of the quarry to ensure that there are taken in every part of the quarry to which his jurisdiction extends such steps as are necessary to protect those persons against inhalation of the dust.

(2) Where, in connection with the carrying on of any operations or process in a building at a quarry, there is given off dust of such character and in such quantity as to be likely to be injurious to the persons employed, it shall be the duty of the manager of the quarry (or, if there are two or more managers, of that one of them within whose jurisdiction the building is situate) to ensure—

(*a*) that the entry of the dust into the air or its accumulation in any place in circumstances in which its accumulation

PART V —*cont.*

in that place might be harmful is minimised by means of steps in that behalf taken as near as possible to the point of origin of the dust;

(*b*) that any of the dust which enters the air is trapped or so dispersed as to render it harmless; and

(*c*) that any of the dust which is not prevented from accumulating in a place in circumstances in which its accumulation in that place might be harmful is either systematically cleaned up and removed to a place where it cannot be harmful or treated in manner approved by the Minister for the purpose of rendering it harmless.

(3) Regulations may impose upon managers of quarries such requirements with respect to the use thereat of prescribed apparatus and the taking thereat of prescribed steps as it may appear to the Minister requisite or expedient to impose for the purpose of attaining any of the objects mentioned in the foregoing provisions of this section; and regulations having effect by virtue of this subsection may provide either that compliance therewith by a manager of a quarry is to be taken, either without qualification or to a prescribed extent, as compliance with all or any of the requirements of the said provisions or that compliance with the regulations by a manager of a quarry is not necessarily to be taken as compliance with any of the said requirements.

Withdrawal of workmen in cases of danger.

113.—(1) Where the person in charge of a part of a quarry is of opinion that a danger exists at any place in that part, he shall comply with the following requirements, namely:—

(*a*) he shall forthwith cause all persons employed in so much of that part as appears to him to be affected (hereinafter referred to as the "affected area") to leave it;

(*b*) unless he is a manager of the quarry, he shall, forthwith after complying with the foregoing paragraph, inform his immediate superior or, in a case where he is responsible to two or more immediate superiors, each of them within whose jurisdiction any part of the affected area is situated, that the danger exists;

(*c*) so soon after complying with paragraph (*b*) of this subsection (or, in a case where that paragraph does not apply, paragraph (*a*) of this subsection) as it is possible so to do without undue risk, he shall himself ascertain, or cause some competent person to ascertain, the condition of the affected area and the measures that it is necessary to take for the purpose of rendering it safe.

(2) Where, on any occasion, persons have been caused to leave an affected area in pursuance of the foregoing subsection,

PART V —*cont.*

no person shall thereafter be permitted to enter it so long as the person in charge of it is not satisfied that it is free from all danger:

Provided that nothing in this subsection shall be taken to prohibit a person from entering an affected area for the purpose of saving life, giving effect to paragraph (*c*) of the foregoing subsection, rendering that area or any other part of the quarry safe, or ascertaining either the effectiveness of any measures taken for the last-mentioned purpose or whether, apart from this proviso, persons may lawfully be permitted to enter the affected area.

(3) Where persons have, on any occasion, been caused to leave an affected area in pursuance of subsection (1) of this section, the person who caused them to leave it shall record in a book to be provided for that purpose by the owner of the quarry particulars of the reason for his causing them to leave that area and of the matters disclosed as a result of giving effect to paragraph (*c*) of that subsection and subscribe his signature thereto.

Miscellaneous provisions for securing safety of persons employed.

114.—(1) Provision may be made by regulations with respect to any of the following matters, namely,—

(*a*) the generation, storage, transformation, transmission and use of electricity at quarries and the use, construction, installation, examination, repair, maintenance, alteration, adjustment and testing of electrical apparatus and electric cables thereat;

(*b*) the supply, storage and use at quarries of blasting materials and devices;

(*c*) the provision and maintenance at quarries of apparatus for the purpose of preventing and combating outbreaks of fire thereat.

(2) In this section the expression "blasting materials and devices" has the same meaning as in section sixty-nine of this Act.

Application of certain provisions of Part III of this Act.

115. The following provisions of this Act, namely, section seventy-three, sections eighty to eighty-two and eighty-four to eighty-eight, section eighty-nine (save in so far as it relates to transport or support rules), section ninety, section ninety-one (save in so far as it relates to persons employed below ground) and sections ninety-two, ninety-three, ninety-six and ninety-seven, shall apply to quarries as they apply to mines with the substitution, for references to mines, of references to quarries and subject also to the following additional modifications, that is to say:—

(*a*) for references in sections eighty-two, eighty-four, eighty-eight and ninety-one to the manager there shall be

substituted references to the owner and for references in section eighty-nine to the manager there shall be substituted references to any manager; PART V —*cont.*

(*b*) the reference to winding apparatus in subsection (3) of section eighty-five shall be omitted; and

(*c*) for the words " on the surface of " in sections eighty-six, eighty-seven and ninety-seven there shall be substituted the word " at ".

PART VI

NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND DISEASES

Notification

Notification of certain accidents.

116.—(1) Where an accident occurs at a mine or quarry which causes the death of, or serious bodily injury to, a person employed at the mine or quarry, notice of the accident, in such form and accompanied by such particulars as may be specified by the Minister, shall forthwith be given by the responsible person to the inspector for the district and to such person as may for the time being be nominated—

(*a*) in a case where there is an association or body representative of a majority of the total number of persons employed at the mine or quarry, by that association or body;

(*b*) in any other case, jointly by associations or bodies which are together representative of such a majority;

to receive on behalf of the persons so employed notices under this subsection.

(2) Where an accident causing serious bodily injury is notified under this section, and after notification thereof results in the death of the person injured, notice of the death shall, so soon as it comes to the knowledge of the responsible person, be given by him to the inspector for the district and the person nominated as aforesaid.

(3) Where an accident to which this section applies occurs to a person employed at a mine or quarry and the owner of the mine or quarry is not the actual employer of that person, the actual employer shall, if he fails to report the accident to the responsible person immediately, be guilty of an offence.

Power to extend to other dangerous occurrences provisions as to notification of accidents.

117.—(1) If the Minister is of opinion that any special class of occurrences at mines or quarries is of so dangerous a nature as to render it expedient that notice should be given under the last foregoing section in every case thereof, he may by order extend the provisions of that section to occurrences of that class, whether death or serious bodily injury is thereby caused or not.

PART VI —*cont.*

(2) In any proceedings taken under this Act in respect of a failure to give notice of an occurrence of any kind at a mine or quarry, being proceedings which could not be taken apart from an order under this section, it shall be a defence for the person charged to prove that he was not aware of the occurrence and that he had taken all reasonable steps for having occurrences of that kind brought to his notice.

Power to apply to diseases provisions as to notification of accidents.

118.—(1) The Minister may by order apply (subject to such exceptions, adaptations and modifications, if any, as may be specified in the order) the provisions of section one hundred and sixteen of this Act to the contraction, by a person employed at a mine or quarry, of any such disease as may be specified in the order.

(2) In any proceedings which, by virtue of an order under this section, are taken under this Act in respect of a failure to give notice of the contraction by a person employed at a mine or quarry of a disease, it shall be a defence for the person charged to prove that he was not aware that the first-mentioned person had contracted the disease.

Inquest in case of death by accident.

119.—(1) Where a coroner holds an inquest on the body of a person whose death may have been caused by an accident at a mine or quarry, the coroner shall adjourn the inquest unless an inspector or some other person on behalf of the Minister is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, give to the inspector for the district notice of the time and place of holding the adjourned inquest:

Provided that—

(*a*) the coroner, before the adjournment, may take evidence to identify the body and may order the interment thereof; and

(*b*) if the inquest relates to the death of not more than one person, the coroner shall not be bound to adjourn the inquest in pursuance of this section if, not less than twenty-four hours before it is held, he informed the inspector for the district of the time and place of the holding thereof.

(2) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident, or of any defect at the mine or quarry appearing to the coroner or jury to require a remedy, the coroner shall give to the inspector for the district notice of the neglect or defect.

PART VI —*cont.*

Site of accident or other dangerous occurrence to be left undisturbed.

120. Where there occurs at a mine or quarry an accident or other occurrence (being in either case one of which notice is required by this Act to be given), no person shall disturb the place where it occurred or tamper with anything thereat before—

(*a*) the expiration of three clear days after notification of the accident or other occurrence in accordance with this Act; or

(*b*) that place has been both visited by an inspector and inspected in exercise of the powers in that behalf conferred by the provisions of this Act relating to workmen's inspections;

whichever first occurs:

Provided that—

(i) nothing in this section shall prohibit the doing of anything by or with the consent of an inspector; and

(ii) in any proceedings taken in respect of a contravention of this section consisting of the doing of any act, it shall be a defence to prove that the doing of that act was necessary for securing the safety of the mine or quarry or persons thereat.

Investigations

Power of Minister to require special report on accident or other dangerous occurrence.

121. Where there occurs at a mine or quarry an accident or other occurrence (being in either case one of which notice is required by this Act to be given) the Minister may, at any time, direct an inspector to make a special report with respect thereto, and the Minister may cause any such report to be made public at such time and in such manner as he thinks fit.

Power of Minister to direct public inquiry into accident or other dangerous occurrence.

122.—(1) The Minister may, where he thinks it expedient so to do, direct a public inquiry to be held into an accident or other occurrence at a mine or quarry (being in either case one of which notice is required by this Act to be given) and of its causes and circumstances.

(2) The provisions of the First Schedule to this Act shall have effect with respect to any such inquiry.

(3) Where the Minister directs a public inquiry to be held into such an accident or other occurrence as aforesaid in Scotland, being one causing the death of any person, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895.

PART VII

WORKMEN'S INSPECTIONS

Inspections of mines and quarries on behalf of workmen employed thereat.

123.—(1) For the purpose of enabling inspections to be carried out at a mine or quarry on behalf of the persons employed thereat, a panel of persons each of whom has had not less than five years practical experience of mining or, as the case may be, of quarrying operations may be appointed for that mine or quarry—

(*a*) in a case where there is an association or body representative of a majority of the total number of persons employed at the mine or quarry, by that association or body;

(*b*) in any other case, jointly by associations or bodies which are together representative of such a majority.

(2) The owner of a mine or quarry shall be under an obligation to permit such inspections to be carried out thereat by members of the panel appointed therefor under subsection (1) of this section as will enable every part of the mine or quarry and the equipment thereof to be inspected once at least in every month by two of those members together (of whom one at least is employed at the mine or quarry).

(3) Where there occurs at a mine or quarry an accident or other occurrence (being in either case one of which notice is required by this Act to be given), any two members of the panel appointed for the mine or quarry under subsection (1) of this section (of whom one at least is employed at the mine or quarry) may together inspect the place where the accident or other occurrence occurred and, so far as necessary for the purpose of ascertaining its cause, any other part of the mine or quarry and any machinery, apparatus or other thing thereat, and may take samples of the atmosphere at that place and of any dust or water thereat.

(4) Nothing in subsection (2) or (3) of this section shall be construed as precluding the making, as respects a mine or quarry, of an agreement between the owner thereof and the association or body (or, as the case may be, associations or bodies) by whom a panel therefor is appointed under subsection (1) of this section with respect to the carrying out, by members of that panel, of inspections at the mine or quarry, so, however, that no such agreement shall operate so as in any way to abridge the rights conferred by the said subsections (2) and (3).

(5) On any occasion on which members of a panel appointed for a mine or quarry under subsection (1) of this section carry out, by virtue of subsection (2) or (3) of this section or of any

such agreement as is mentioned in subsection (4) thereof, an inspection at the mine or quarry, they—

(*a*) shall be entitled to inspect any documents which by or by virtue of this Act are required to be kept at the office at the mine or quarry or at such other place as may be approved by an inspector;

(*b*) shall be entitled to be accompanied by advisers of theirs, but shall not be entitled to preclude from accompanying them any of the following persons, that is to say,—

(i) in the case of an inspection at a mine, the owner thereof and any person nominated by him, the manager thereof and any person nominated by him and any under-manager thereof;

(ii) in the case of an inspection at a quarry, the owner thereof and any person nominated by him and any manager thereof and any person nominated by him.

(6) On any occasion on which members of a panel appointed under subsection (1) of this section for a mine or quarry are, by virtue of subsection (2) or (3) of this section or of any such agreement as is mentioned in subsection (4) thereof, carrying out an inspection at the mine or quarry, it shall be the duty of all persons employed thereat to afford to those members such facilities and assistance with respect to matters or things to which the respective responsibilities of those persons extend as are requisite for the purpose of carrying out the inspection, and where the inspection is carried out by virtue of subsection (2) of this section or of any such agreement as is mentioned in subsection (4) thereof, it shall be the duty—

(*a*) where the inspection is carried out at a mine, of the manager thereof; and

(*b*) where the inspection is carried out at a quarry, of any manager thereof,

if requested so to do by the said members, to furnish to them any information in his possession which relates to the nature or extent of any workings proposed to be carried on in the mine or quarry.

(7) Forthwith after members of a panel appointed under subsection (1) of this section for a mine or quarry have, on any occasion, completed an inspection carried out thereat by virtue of subsection (2) or (3) of this section or of any such agreement as is mentioned in subsection (4) thereof, they shall make, in a book to be provided for that purpose by the owner of the mine or quarry, a full and accurate report of the matters ascertained as a result of the inspection and shall subscribe their signatures thereto.

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(8) Forthwith after a report has, in pursuance of the last foregoing subsection, been made of matters ascertained as a result of an inspection carried out at a mine or quarry, a true copy thereof shall be sent to the inspector for the district and another such copy shall be posted in some conspicuous position at the mine or quarry and kept posted there for a period of twenty-four hours.

PART VIII

EMPLOYMENT OF WOMEN AND YOUNG PERSONS

Prohibition of Employment below Ground

Prohibition of employment below ground in certain cases.

124.—(1) No female shall be employed below ground at a mine.

(2) After such day as may be appointed by order of the Minister in relation to mines of any class, no male young person who has not attained the age of sixteen shall be employed below ground in a mine of that class except for the purpose of receiving instruction of such description as may be prescribed.

Hours of Work

Provisions as to hours worked by women and young persons.

125.—(1) The hours worked and the intervals for meals and rest for every woman or young person employed above ground at a mine or employed at a quarry shall conform to the following conditions, namely,—

(*a*) the total hours worked, exclusive of intervals allowed for meals and rest, shall neither exceed nine in any day nor exceed forty-eight in any week and, except in the case of a male young person who has attained the age of sixteen, shall not exceed eight hours in any day unless the intervals allowed for meals and rest between spells amount to not less than one and a half hours;

(*b*) a woman or young person shall not be employed continuously for a spell of more than four and a half hours without an interval of at least half an hour for a meal or rest, so, however, that where an interval of not less than ten minutes is allowed in the course of a spell, the spell may be increased to five hours.

(2) The total hours worked by a young person employed below ground at a mine other than of coal, stratified ironstone, shale or fireclay (including intervals allowed for meals and rest, the period between the time at which he is required to attend for the purpose of going below ground and the time at which he arrives at his working place and the period between the time at which he leaves his working place and the time at which he returns to the surface) shall neither exceed nine in any day nor exceed forty-eight in any week.

PART VIII —*cont.*

Periods of employment of females and of male young persons under sixteen.

126.—(1) The period of employment of a woman employed at a mine or quarry shall neither begin earlier than six o'clock in the morning nor end later than ten o'clock in the evening or, on Saturday, two o'clock in the afternoon.

(2) The period of employment of a female young person employed at a mine or quarry or of a male young person who has not attained the age of sixteen employed above ground at a mine or at a quarry shall neither begin earlier than six o'clock in the morning nor end later than nine o'clock in the evening or, on Saturday, two o'clock in the afternoon.

(3) The period of employment of a male young person who has not attained the age of sixteen employed below ground at a mine shall neither begin earlier than six o'clock in the morning nor end later than ten o'clock in the evening or, on Saturday, two o'clock in the afternoon.

(4) In the case of a woman employed at a mine or quarry and in the case of any such young person as is mentioned in subsection (2) or (3) of this section who is so employed, there shall be an interval of not less than twelve hours between successive periods of employment.

(5) No woman and no such young person as is mentioned in subsection (2) or (3) of this section shall be employed at a mine or quarry on Sunday.

Periods of employment of male young persons over sixteen.

127.—(1) Subject to the following provisions of this section and to the following provisions of this Part of this Act relating to special exceptions, the period of employment of a male young person who has attained the age of sixteen employed at a mine (whether above or below ground) or at a quarry shall neither begin earlier than six o'clock in the morning nor end later than ten o'clock in the evening, so, however, that no such young person shall be so employed at any time on a Saturday after two o'clock in the afternoon or on a Sunday except in the carrying out of work of surveying, measuring, repair or maintenance, being work of a description which requires to be done at that time.

(2) In the case of any mine or quarry, the responsible person, if authorised so to do, may by notice posted at the mine or quarry give either or both of the following directions, namely,—

(*a*) a direction that the foregoing subsection shall, in relation to all such young persons as aforesaid employed at the mine or quarry, have effect with the substitution, for the reference to six o'clock in the morning, of a reference to such earlier time (not being earlier than five o'clock in the morning) as may be specified in the notice;

PART VIII —*cont.*

(*b*) a direction that that subsection shall, in relation to all such young persons as aforesaid employed at the mine or quarry, have effect with the substitution, for the reference to ten o'clock in the evening, of a reference to such later time (not being later than eleven o'clock in the evening) as may be so specified:

Provided that where, in relation to a mine or quarry, a direction is given under each of the foregoing paragraphs, the directions shall be void if their combined effect is to extend the period of employment of the young persons employed at the mine or quarry by more than one hour.

Authority for the giving of directions under this subsection may be given—

(i) in the case of all mines or quarries or mines or quarries of any class, by order of the Minister;

(ii) in the case of a particular mine or quarry, by notice served by an inspector on the responsible person.

(3) In the case of any such young person as is mentioned in subsection (1) of this section who is employed at a mine or quarry, there shall be an interval of not less than twelve hours between successive periods of employment.

(4) Where such a young person as is mentioned in subsection (1) of this section is employed at a mine or quarry on a Saturday after two o'clock in the afternoon, he shall not be employed at the mine or quarry after two o'clock in the afternoon on one of the days falling between the next following Sunday and the next following Saturday, and where such a young person is so employed on a Sunday he shall not be employed at the mine or quarry at any time on one of the days falling between that day and the next following Saturday.

Notice fixing periods of employment, &c.

128.—(1) It shall, in the case of every mine and quarry, be the duty of the responsible person to fix within the limits allowed by or by virtue of the foregoing provisions of this Part of this Act and to specify in a notice which shall be posted at the mine or quarry in such form as the Minister may specify—

(*a*) the period of employment for each day of the week for the women and young persons employed at the mine or quarry whose hours worked are regulated by section one hundred and twenty-five of this Act;

(*b*) any intervals allowed for meals or rest to such women and young persons;

and no such woman or young person shall be employed at the mine or quarry otherwise than in accordance with the notice.

PART VIII —*cont.*

(2) Different periods of employment and different intervals may be fixed under this section for different classes of women and young persons employed at a mine or quarry and for different days of the week.

(3) A change in the periods or intervals fixed under this section with respect to women or young persons employed at a mine or quarry shall not be made until the responsible person has served on the inspector for the district, and posted in some conspicuous position at the mine or quarry, notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector for the district.

Special Exceptions

Special temporary exception as respects coal mines in Durham, Northumberland and Warwick.

129.—(1) As respects male young persons who have attained the age of sixteen and are employed (whether above or below ground) at mines of coal in the counties of Durham, Northumberland and Warwick, the following provisions shall have effect until such day (being not later than five years after the commencement of this Act) as the Minister may by order appoint in relation to those counties, namely,—

(*a*) subsection (1) of section one hundred and twenty-seven of this Act (save in so far as it relates to employment on Saturday after two o'clock in the afternoon or on Sunday) shall not apply;

(*b*) such a male young person as aforesaid may be employed at a mine on a Sunday after ten o'clock in the evening provided that he has not been employed thereat at any time during the period of thirty-six hours ending immediately before he begins to be employed on that Sunday;

and the reference in subsection (1) of the last foregoing section to the foregoing provisions of this Part of this Act shall be construed accordingly.

(2) Different days may be appointed under the foregoing subsection in relation to the respective counties of Durham, Northumberland and Warwick.

Special exception for emergencies.

130. Where on any occasion a male young person who has attained the age of sixteen remains, after the time at which his period of employment ends, below ground in a mine for the purpose of rendering assistance in the event of accident, meeting any danger (whether actual or apprehended) or dealing with any emergency or with work uncompleted through unusual and unforeseen circumstances which requires to be dealt with without

PART VIII —*cont.*

interruption in order to avoid serious interference with ordinary work in the mine—

(*a*) there shall be deemed not to be a contravention of the foregoing provisions of this Part of this Act in relation to him; but

(*b*) he shall not, after his employment for that purpose has ended on that occasion, be again employed at the mine until not less than thirteen hours have elapsed since he returned to the surface after his employment so ended.

Miscellaneous Provisions

Register of women and young persons employed.

131.—(1) It shall, in the case of every mine and quarry, be the duty of the responsible person to keep at the office at the mine or quarry, or at such other place as may be approved by an inspector, a register in such form as may be specified by the Minister and to enter in that register in such form and manner as may be so specified the name, date of birth, residence and date of first employment at the mine or quarry of all women and young persons employed thereat, indicating, in the case of male young persons employed at a mine, which of them are employed below ground thereat.

(2) It shall, in the case of every mine or quarry, be the duty of the responsible person to produce (if requested so to do) any register kept by him in pursuance of this section to an officer of the local education authority (or, in Scotland, the education authority) within whose area the mine or quarry is situate.

(3) Before a male young person is first employed below ground in a mine his employer (if other than the owner of the mine) shall inform the manager of the mine or some other person appointed in that behalf by the manager, that the young person is to be so employed.

Supplemental.

132.—(1) For the purposes of this Part of this Act a person employed below ground in a mine shall be deemed to be so employed during the period between the time at which he is required to attend for the purpose of going below ground and the time at which he returns to the surface.

(2) There shall be deemed to be no contravention of any provision of sections one hundred and twenty-six to one hundred and twenty-nine of this Act in relation to a person employed below ground on a shift in a mine of coal, stratified ironstone, shale or fireclay, if there would be no contravention of that provision in relation to him if he left the surface at the same time as the last workman on that shift and returned to the surface at the same time as the first workman on that shift.

PART VIII —*cont.*

(3) This Part of this Act (except subsection (1) of section one hundred and twenty-four) shall not apply to persons holding responsible positions of management or acting as assistants to persons holding such positions or to persons engaged in clerical work above ground, being in each case persons who are not ordinarily engaged in manual work, to persons employed in, or in connection with, the sale or supply of meals or refreshments or to persons employed for the purposes of the treatment of the sick or injured.

(4) Where—

(*a*) a male young person who has attained the age of sixteen is, by virtue of a direction under subsection (2) of section one hundred and twenty-seven of this Act, employed at a mine other than of coal or at a quarry at a time later than ten o'clock, but not later than eleven o'clock, in the evening; or

(*b*) a male young person (whether he has attained the age of sixteen or not) is employed below ground at a mine at a time at which his employment would be unlawful apart from subsection (2) of this section;

his employment at the time mentioned in paragraph (*a*) or, as the case may be, paragraph (*b*) of this subsection shall be deemed not to be in contravention of the Employment of Women, Young Persons, and Children Act, 1920.

(5) Save as provided by the last foregoing subsection, the provisions of this Part of this Act shall be in addition to, and not in derogation of, the provisions of any other Act restricting the employment of women and young persons.

PART IX

RECORDS, RETURNS AND INFORMATION

Form of official books and preservation and inspection of entries therein.

133.—(1) Every book which, in pursuance of this Act or regulations, is provided by the owner of a mine or quarry for the purpose of the entry therein of any report, record or other item of information shall be in such form as the Minister may direct.

(2) Every entry made in any such book as aforesaid or a copy of that entry shall be preserved until the expiration of three years after the date on which it was made or such other period (whether longer or shorter) as may be prescribed for an entry of any class and, until no longer required to be preserved, shall be kept at the office at the mine or quarry to which it relates or at such other place as may be approved by an inspector and be open to inspection by, or by a person authorised in that behalf in writing by, any person employed at that mine or quarry.

PART IX —*cont.*

Records of certain appointments.

134. Where an appointment is made—

(*a*) by the manager of a mine in pursuance of regulations having effect by virtue of subsection (1) of section twelve of this Act, or in pursuance of subsection (1) of section thirteen thereof or regulations having effect by virtue of subsection (2) of the said section thirteen, or in pursuance of section forty-two of this Act; or

(*b*) by the owner or a manager of a quarry in pursuance of regulations having effect by virtue of section one hundred and six of this Act;

the person making the appointment shall forthwith make a record thereof; and a record made in pursuance of this section shall be preserved until the expiration of twelve months after the ending of the appointment evidenced thereby and, until no longer required to be preserved, shall be kept at the office at the mine or quarry to which that appointment is referable or at such other place as may be approved by an inspector and be open to inspection by, or by a person authorised in that behalf in writing by, any person employed at that mine or quarry.

Provision of copies of this Act and other instruments.

135. At all times at which persons are employed at a mine or quarry there shall be provided thereat or near thereto suitable covered accommodation wherein shall be provided a copy of this Act and of every such instrument as the following which is in force with respect to the mine or quarry, namely, orders made under this Act, regulations, transport rules, support rules, any notice served under or by virtue of this Act by an inspector on the responsible person and any such rule regulating the conduct of persons as is mentioned in paragraph (*b*) of section eighty-nine of this Act; and all persons employed at the mine or quarry shall be entitled to have access to that accommodation for the purpose of inspecting the documents hereby required to be provided therein.

Posting of notices.

136.—(1) At all times at which persons are employed at a mine or quarry there shall be kept posted thereat—

(*a*) a notice of the name of the mine or quarry, the name and address of the owner thereof and the name or names of the manager or managers thereof;

(*b*) a notice of the name and address of the inspector for the district; and

(*c*) a notice specifying the situation of the accommodation provided in pursuance of the last foregoing section.

(2) Where, in the case of a mine or quarry,—

(*a*) regulations affecting it are made; or

(*b*) a notice is served under or by virtue of this Act by an inspector on the responsible person;

PART IX —*cont.*

notice of the making of the regulations or, as the case may be, of the service of the notice (specifying the regulations or, as the case may be, indicating the general nature of the notice) shall be kept posted at the mine or quarry at all times during the period of six months next following the making or service of the regulations or notice at which persons are employed at the mine or quarry.

(3) All notices required by this section to be posted at a mine or quarry shall be posted in such characters and in such positions as to be easily seen and read by the persons employed thereat, and if a form is specified by the Minister for any such notice, it shall be posted in that form.

Furnishing to workers of information with respect to this Act and orders and regulations thereunder.

137. The Minister may himself prepare and designate for the purpose of the issue thereof in accordance with the following provisions of this section to persons of any class employed at mines or quarries, a book containing such information with respect to so much of this Act, orders made thereunder and regulations as in his opinion affects persons of that class, and such other information (if any) as it appears to him requisite or expedient to bring to the notice of such persons, or may approve for the purpose aforesaid any such book prepared by or on behalf of an owner of mines or quarries; and, where a book is for the time being designated or approved by virtue of this section for the purpose of the issue thereof to persons of any class, it shall, in the case of every mine and quarry, be the duty of the responsible person—

(*a*) to give (unless he has previously done so) a copy of that book to every person on any occasion on which, after the designation or approval of the book, he begins to be employed at that mine or quarry as a person of that class;

(*b*) to give, as soon as it is practicable to do so, a copy of that book to every person who, at the time at which it is designated or approved, is employed at that mine or quarry as a person of that class.

Periodical returns by owners.

138.—(1) It shall be the duty of every owner of mines or quarries if directed so to do by the Minister, to furnish to him, within such period and in such form and manner as may be specified in the directions, such returns and statistics relating to the mines or quarries which he owns, and such other information (if any) relating thereto, as may be so specified.

(2) No returns, statistics or other information obtained under the foregoing subsection shall, without the consent in writing of the person carrying on the undertaking to which the

PART IX —*cont.*

returns, statistics or other information relate, be disclosed except—

(*a*) with the consent of the Minister, to a government department for the purposes of the exercise by them of any of their functions; or

(*b*) in the form of a summary of similar returns, statistics or other information furnished by a number of owners of mines or quarries, being a summary so framed as not to enable particulars relating to the undertaking of a particular person to be ascertained therefrom; or

(*c*) for the purposes of any proceedings for an offence under this Act or any report of any such proceedings.

Notification of beginning and ending of certain mining and quarrying operations.

139.—(1) In any of the following events, namely,—

(*a*) the beginning of operations for the purpose of opening a mine or a seam or vein therein, the abandonment of a mine or a seam or vein therein, the expiration of the period of two months beginning with the day on which a mine or a seam or vein therein was last worked for the purpose of getting minerals or products thereof and the resumption of the working of a mine or a seam or vein therein after the abandonment thereof or after the expiration of such a period as aforesaid; and

(*b*) the beginning of operations for the purpose of driving a new shaft or new outlet of a mine, the abandonment of the use of a shaft or outlet of a mine, the expiration of the period of two months beginning with the day on which a shaft or outlet of a mine was last used and the resumption of the use of a shaft or outlet of a mine after the abandonment thereof or after the expiration of such a period as aforesaid;

the owner of the mine in question shall, within two weeks after the happening of that event, give notice thereof to the inspector for the district:

Provided that, where a mine or a seam or vein therein is abandoned after the day on which it was last worked for the purpose of getting minerals or products thereof but before the expiration of the period of two months beginning with that day, it shall not be necessary to give notice of the expiration of that period, and where the use of a shaft or outlet of a mine is abandoned after the day on which it was last used but before the expiration of the period of two months beginning with that day, it shall not be necessary to give notice of the expiration of that period.

(2) In any of the following events, namely, the beginning of operations for the purpose of opening a quarry, the abandonment

of a quarry, the expiration of the period of twelve months beginning with the day on which a quarry was last worked for the purpose of getting minerals or products thereof and the resumption of the working of a quarry after the abandonment thereof or after the expiration of such a period as aforesaid, the owner of the quarry in question shall, within two weeks after the happening of that event, give notice thereof to the inspector for the district:

Provided that, where a quarry is abandoned after the day on which it was last worked for the purpose of getting minerals or products thereof but before the expiration of the period of twelve months beginning with that day, it shall not be necessary to give notice of the expiration of that period.

Notification of change of ownership or name of mine or quarry.

140.—(1) Where a change occurs—

(*a*) in the ownership of a mine or quarry; or

(*b*) in the name of a mine or quarry;

the owner shall, within two weeks after the change occurs, give to the inspector for the district a notice stating the particulars of the change.

(2) For the purposes of this section a name shall be deemed to be changed if the spelling thereof is altered.

PART X

REGULATIONS

Regulations.

141.—(1) The Minister may make regulations for any purpose for which provision is by this Act required or authorised to be made by regulations and for prescribing anything which by this Act is required or authorised to be prescribed and generally for making provision with respect to any matter or thing with respect to which it appears to the Minister requisite or expedient to make provision for the purpose of preventing the occurrence of accidents at mines and quarries, securing the safety, health or welfare of persons employed at mines or quarries or maintaining proper discipline amongst them, for securing the proper care and treatment of animals employed at mines or quarries and otherwise for carrying this Act into effect; and it shall be the duty of the Minister to exercise the power conferred by this subsection as regards any matter the making of provision for which is by this Act required to be made by regulations.

(2) No enactment contained in this Act making provision with respect to any matter or thing shall be taken as operating to preclude the making by regulations (consistently with that enactment) of provision with respect to that matter or thing.

(3) Any enactment contained in this Act authorising the making of provision by regulations without limitation as to the mines or quarries with respect to which the provision may be

PART X —*cont.*

made shall be construed as authorising the making of provision extending to all mines or quarries, any class of mines or quarries or a particular mine or quarry; any enactment contained in this Act authorising the making of provision by regulations with respect to mines of a specified class shall be construed as authorising the making of provision extending either to all mines of that class, to mines within any sub-division of that class or to a particular mine of that class; and any enactment contained in this Act authorising the making of provision by regulations with respect to mines other than of a specified class shall be construed as authorising the making of provision extending either to all mines other than of the specified class, to any class of mines other than of the specified class or to a particular mine other than of the specified class.

(4) Regulations may—

(*a*) make different provision with respect to different classes of mines or quarries or different sub-divisions of a class of mines or quarries and with respect to different parts of a mine or quarry and, in so far as they relate to persons or to things other than mines or quarries, make different provision with respect to different classes of persons and of such things and with respect to the same class of persons or of such things in different circumstances;

(*b*) grant exemptions from any of the provisions thereof or provide for the granting of such exemptions by the Minister or an inspector;

(*c*) make provision for any incidental or supplementary matters for which the Minister thinks it expedient for the purposes of the regulations to provide.

(5) In this Act (save where, in the provisions thereof relating to the re-enactment or continuance in force of instruments having effect under enactments repealed by this Act, the context otherwise requires) the expression "regulations" means regulations made under this section, the expression "prescribed" means prescribed by regulations and the expressions "general regulations" and "special regulations" mean respectively regulations other than those applicable to a particular mine or quarry only and regulations applicable to a particular mine or quarry only.

Procedure for making regulations.

142. The provisions of Part I of the Second Schedule to this Act shall have effect with respect to the procedure for making general regulations, the provisions of Part II of that Schedule shall have effect with respect to the procedure for making special regulations and the provisions of Part III of that Schedule shall have effect with respect to any inquiry ordered to be held under the said Part I or the said Part II.

PART X —*cont.*

Variation, revocation, &c., of regulations.

143.—(1) General regulations may—

(*a*) be varied or revoked by subsequent general regulations;

(*b*) be rendered wholly or partly inapplicable, or varied in their application, to a particular mine or quarry by special regulations applicable thereto.

(2) Special regulations may be varied or revoked by subsequent special regulations and may be revoked by general regulations, and a provision of general regulations which revokes special regulations shall be deemed not to be a special regulation.

PART XI

INSPECTORS

Appointment and duties of inspectors.

144.—(1) The Minister may appoint such inspectors (under whatever title he may from time to time determine) as he thinks necessary for the execution of this Act, and assign to them their duties, and may appoint a chief inspector with an office in London, and may determine the cases and manner in which inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors.

(2) It shall be the duty of the Minister to satisfy himself, with respect to any person whom he proposes to appoint to be an inspector, that that person will have no such interest (whether financial or of any other kind) as is likely to affect him in the exercise and performance of his powers and duties as an inspector.

(3) In the assignment of inspectors for duty in Wales or Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

(4) The Minister may pay to inspectors appointed under this section such salaries as he may determine.

(5) An inspector shall not be liable to serve on any jury.

(6) Such annual report of the proceedings of the inspectors as the Minister directs shall be laid before both Houses of Parliament.

General powers of inspectors.

145.—(1) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things, that is to say:—

(*a*) at any time (whether by day or by night) to enter a mine, quarry or central rescue station and to inspect the whole or any part thereof, anything thereat and any animals employed for the purposes thereof;

PART XI —*cont.*

(*b*) to make such examination and inquiry as may be necessary—

(i) to ascertain whether, so far as regards a mine, quarry or central rescue station or persons or animals employed thereat, the following are complied with, namely, the provisions of this Act, orders made thereunder and regulations, any direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector and any condition attached to any exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector; or

(ii) to ascertain any matter appearing to the inspector to affect or relate to the safety or health of persons employed at a mine, quarry or central rescue station or the care or treatment of animals employed thereat and in particular (but without prejudice to the generality of the foregoing words) the causes and circumstances of any accident or other occurrence at a mine or quarry, being in either case one of which notice is required by this Act to be given;

(*c*) on entering any premises, to take with him a constable if he has reasonable cause to apprehend any serious obstruction in the exercise of the powers conferred on him by this subsection or, for the purpose of any examination or inquiry relating to the care or treatment of animals, a duly qualified veterinary surgeon;

(*d*) for the purpose of any examination or inquiry under the foregoing provisions of this subsection—

(i) to require any person whom he finds at a mine, quarry or central rescue station, or whom he has reasonable cause to believe to be, or to have within the preceding two months been, employed at a mine, quarry or central rescue station, to answer, in the absence of persons other than a person nominated by him to be present and any persons whom the inspector may allow to be present, such questions as the inspector thinks fit to ask, so however, that no answer given by a person in pursuance of a requirement imposed under this sub-paragraph shall be admissible in evidence against him in any proceedings;

(ii) to take samples of any articles or substances found at a mine or quarry and, in the case of a mine, of the atmosphere therein; and

(iii) to take possession of any machinery, apparatus or other article whatsoever at a mine or quarry

which appears to him to have caused, or to be likely to cause, danger to safety or health and cause it to be dismantled or subjected to any process or test, notwithstanding that it is thereby damaged or destroyed;

(*e*) to require the production of, and to inspect,—

(i) any registers, books, plans or other documents which by, or by virtue of, this Act are required to be kept; and

(ii) any other documents, being documents which are in the possession or under the control of the owner or manager of a mine or the owner or a manager of a quarry and are relevant for the purposes of an examination or inquiry under the foregoing provisions of this section;

(*f*) to require the manager of a mine to mark on any plan of workings in the mine produced in compliance with a requirement imposed under the last foregoing paragraph the state, as at the time of the imposition of the requirement, of those workings or of such of them as may be specified in the requirement;

(*g*) to require any person having responsibilities in relation to a mine or quarry (whether or not the owner or a manager or any other person employed thereat) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this subsection;

(*h*) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) A person who—

(*a*) fails to comply with any requirement imposed by an inspector under this section; or

(*b*) prevents, or attempts to prevent, any other person from appearing before an inspector or from answering any question to which an inspector may, by virtue of the foregoing subsection, require an answer; or

(*c*) without permission granted by an inspector, removes from a mine or quarry, or conceals or tampers with, any machinery, apparatus or other article of which possession has been taken by an inspector under this section; or

(*d*) obstructs an inspector in the exercise or performance of his powers or duties;

shall be guilty of an offence.

PART XI —*cont.*

Power of inspector to require remedy for immediate or apprehended danger.

146.—(1) If an inspector is of opinion that a mine or quarry or any part thereof or any matter, thing or practice at a mine or quarry or connected with the control or management of a mine or quarry is or is likely shortly to become dangerous to the safety or health of the persons employed at the mine or quarry or any of them, he may serve on the responsible person a notice stating that he is of that opinion and giving particulars of the reason why he is of that opinion, and imposing upon the responsible person such prohibitions or restrictions or requirements (of whatsoever kind) as appear to the inspector to be necessary for the purpose of safeguarding the safety or health of the persons employed at the mine or quarry.

(2) Nothing in this section shall authorise the service by an inspector of a notice with respect to a mine in a case in which the service by an inspector of a notice on the manager of that mine is authorised by section sixty-eight or seventy-eight of this Act.

PART XII

GRANT, CANCELLATION AND SUSPENSION OF CERTIFICATES

Grant of certificates.

147.—(1) The first-class and second-class certificates of competency referred to in the foregoing provisions of this Act shall be granted by the Minister on the recommendation of the Mining Qualifications Board constituted under the next following section.

(2) If any certificate which by or by virtue of this Act is to be granted by the Minister on the recommendation of the said Board is defaced, lost or destroyed, the Minister may, on payment of such fee (if any) as he may, with the approval of the Treasury, determine and on such terms as to evidence as he thinks fit (and, in a case in which the certificate is defaced, on the surrender thereof) issue a duplicate of the certificate.

The Mining Qualifications Board.

148.—(1) There shall be a Board, to be called the Mining Qualifications Board (in this and the next following section referred to as " the Board ") which shall have the duty of ascertaining the fitness of candidates for such certificates as by or by virtue of this Act are to be granted on their recommendation.

(2) The Board shall consist of a chairman and not less than seven nor more than ten other members appointed by the Minister, who shall include persons appearing to him to have experience respectively of mining, education and administration:

Provided that during any period during which the holding of a certificate granted on the recommendation of the Board is a qualification prescribed by regulations having effect by virtue of Part IV of this Act, the maximum number of the members of the Board, other than the chairman, shall be twelve

PART XII —*cont.*

instead of ten, and of the members of the Board two shall be persons appearing to the Minister to have experience in quarrying.

(3) Every member of the Board shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment:

Provided that—

(*a*) no appointment or re-appointment of a member of the Board shall be for a term exceeding five years;

(*b*) a member of the Board may at any time by notice in writing to the Minister resign his office.

(4) The Minister may pay to the chairman of the Board such remuneration and to all the members of the Board such allowances as he may, with the approval of the Treasury, determine.

(5) The Board may act notwithstanding a vacancy amongst the members thereof.

(6) The procedure of the Board and the quorum thereof shall be such as may be specified in rules made by them, but rules under this subsection shall be of no effect unless they are approved by the Minister.

(7) The expenses of the Board (including any remuneration or allowances payable to examiners appointed by them) shall be defrayed by the Minister.

Qualifications for grant of certificates.

149.—(1) The Board shall make rules specifying the qualifications required of persons in order for them to be recommended for the grant of certificates which by or by virtue of this Act are to be granted by the Minister on the Board's recommendation and the manner in which the possession of such qualifications is to be ascertained and (where the rules provide for the ascertainment of the possession of qualifications by means of an examination held by the Board) specifying particulars of the examination.

(2) The said rules may not only specify subjects in which proficiency is required and the degree of proficiency required in each subject, but may also require a person who seeks the grant of any such certificate as aforesaid—

(*a*) to have attained, before entering his name for any such examination as aforesaid or before being recommended for the grant of the certificate, such age as may be specified in the rules;

(*b*) to have such practical experience of such matters as may be so specified;

PART XII —*cont.*

(*c*) to have attended such courses of instruction as may be so specified;

(*d*) to be of good character.

(3) The said rules may provide for the granting of exemptions from any provisions thereof relating to the undergoing of examinations, the possession of practical experience and the attendance at courses of instruction in such cases as may be specified in the rules.

(4) Examinations the holding of which is provided for by rules under this section shall be held at such times and places as the Board may determine and shall be conducted in accordance with rules made by them; and the Board may (subject to the approval of the Minister as to number) appoint examiners for the purposes of such examinations and pay them such remuneration and allowances as the Board may, with the approval of the Minister and the Treasury, determine.

(5) Rules under this section shall be of no effect unless they are approved by the Minister.

(6) There shall be payable to the Board by persons who seek the grant of such certificates as are mentioned in subsection (1) of this section such fees as may be specified in an order made by the Minister with the approval of the Treasury, and any fees received by the Board under this subsection shall be paid by them to the Minister.

Cancellation or suspension of certificates.

150.—(1) On the conviction of an offence under this Act of the holder of a certificate granted by the Minister under or by virtue of this Act, the court by which he is convicted may, on an application for that purpose made on behalf of the Minister, cancel or suspend the certificate in addition to or instead of imposing any other penalty to which the person convicted may be liable if, having regard to the nature of the offence and the circumstances in which it was committed, the court is of opinion that that person is unfit to continue to hold the certificate:

Provided that the court shall not exercise the power conferred by this subsection unless—

(*a*) notice of intention to make an application thereunder has been served on the person convicted at the same time as the service or execution of the summons or warrant issued in pursuance of the information charging him with the offence of which he is convicted; and

(*b*) the said person has, on pleading to the charge, been given an opportunity to elect, but has not elected, to have the question of the cancellation or suspension of his certificate inquired into under subsection (3) of this section.

PART XII —*cont.*

(2) Where, under the foregoing subsection, a court cancels or suspends a certificate held by a person, he shall have the same right of appeal as if the cancellation or suspension were a sentence passed by the court on his conviction.

(3) The Minister may, in the case of a person who is the holder of any such certificate as aforesaid with respect to whom a representation is made to the Minister by an inspector or otherwise that that person is, by reason of incompetence or gross negligence or misconduct in the performance of duties of his with respect to a mine or quarry, unfit to continue to hold the certificate, and shall, in the case of a person who is the holder of such a certificate and has made an election under paragraph (*b*) of the proviso to subsection (1) of this section, cause inquiry to be made into the question whether or not he is fit to continue to hold the certificate by a tribunal which shall have power to cancel or suspend the certificate if it finds that by reason aforesaid or, as the case may be, that having regard to the offence and the circumstances in which it was committed, he is unfit to continue to hold the certificate.

(4) The provisions of Part I of the Third Schedule to this Act shall have effect with respect to the constitution and procedure of the tribunal holding an inquiry under the last foregoing subsection and with respect to the holding of the inquiry.

(5) Where, under subsection (1) of this section, an application is made to a court for the cancellation or suspension of a certificate and the holder does not elect under paragraph (*b*) of the proviso to that subsection to have the question of the cancellation or suspension inquired into under subsection (3) of this section, no inquiry into his conduct shall be held by a tribunal under this section on the same grounds as those considered by the court; and where an inquiry is held by a tribunal under this section into the conduct of the holder of a certificate, no application to a court for the cancellation or suspension of the certificate shall be made under subsection (1) of this section on the same grounds as those considered at the inquiry.

(6) The Minister may at any time, if it is shown to him to be just so to do, restore a certificate cancelled under this section or shorten the period for which a certificate is suspended thereunder.

(7) A certificate suspended under this section shall, during the period of suspension, be of no effect.

(8) The provisions of Part II of the Third Schedule to this Act shall have effect with respect to the delivery up of a certificate to a court or tribunal and with respect to the subsequent proceedings with respect to a certificate so delivered up, and the provisions of Part III of that Schedule shall have effect for the purposes of the application to Scotland of Parts I and II thereof.

PART XII —*cont.*

(9) This section shall in its application to Scotland have effect as if in paragraph (*a*) of the proviso to subsection (1) for the words "or execution of the summons or warrant issued in pursuance of the information" there were substituted the words "of the complaint or indictment".

PART XIII

FENCING OF ABANDONED AND DISUSED MINES AND OF QUARRIES

Fencing of abandoned and disused mines and of quarries.

151.—(1) It shall be the duty of the owner of every abandoned mine and of every mine which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months to secure that the surface entrance to every shaft or outlet thereof is provided with an efficient enclosure, barrier, plug or other device so designed and constructed as to prevent any person from accidentally falling down the shaft or from accidentally entering the outlet and that every device so provided is properly maintained:

Provided that this subsection shall not apply to mines which have not been worked for the purpose of getting minerals or products thereof since the ninth day of August, eighteen hundred and seventy-two, being mines other than of coal, stratified ironstone, shale or fireclay.

(2) For the purposes of Part III of the Public Health Act, 1936, each of the following shall be deemed to be a statutory nuisance that is to say:—

(*a*) a shaft or outlet of an abandoned mine (other than a mine to which the proviso to the foregoing subsection applies) or of a mine (other than as aforesaid) which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months, being a shaft or outlet the surface entrance to which is not provided with a properly maintained device such as is mentioned in that subsection;

(*b*) a shaft or outlet of a mine to which the proviso to the foregoing subsection applies, being a shaft or outlet with respect to which the following conditions are satisfied, namely,—

(i) that its surface entrance is not provided with a properly maintained device such as is mentioned in that subsection; and

(ii) that, by reason of its accessibility from a highway or a place of public resort, it constitutes a danger to members of the public; and

(*c*) a quarry (whether in course of being worked or not) which— PART XIII —*cont.*

(i) is not provided with an efficient and properly maintained barrier so designed and constructed as to prevent any person from accidentally falling into the quarry; and

(ii) by reason of its accessibility from a highway or a place of public resort constitutes a danger to members of the public.

(3) Any expenses incurred, by reason of the operation of Part III of the Public Health Act, 1936, by a person other than the owner (as defined for the purposes of this Act) of a mine or quarry for the purpose of abating, or preventing the recurrence of, a nuisance under the last foregoing subsection or in reimbursing a local authority in respect of the abatement, or prevention of the recurrence, of such a nuisance shall, subject to any agreement to the contrary, be recoverable by that person from the owner (as so defined) of the mine or quarry.

(4) In the application of this section to the administrative county of London, for references to Part III of the Public Health Act, 1936, and to a statutory nuisance there shall be respectively substituted references to section two hundred and eighty-two of, and the Fifth Schedule to, the Public Health (London) Act, 1936, and to a nuisance which may be dealt with summarily under that Act.

(5) In the application of this section to Scotland, for references to Part III of the Public Health Act, 1936, to a statutory nuisance and to the abatement thereof, there shall be respectively substituted references to Part II of the Public Health (Scotland) Act, 1897, to such a nuisance as is mentioned in paragraph (1) of section sixteen of that Act and to the removal thereof.

PART XIV

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

152.—(1) In the event of a contravention, in relation to a mine, of— Offences.

(*a*) a provision of this Act, of an order made thereunder or of regulations, not being a provision which expressly provides that a person is to be guilty of an offence; or

(*b*) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or

PART XIV —*cont.*

(*c*) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector;

each of the following persons shall, subject to the following provisions of this Act, be guilty of an offence, namely, the owner of the mine, any person to whom written instructions have been given by the owner in pursuance of section one of this Act specifying as, or including amongst, the matters with respect to which that person is charged with securing the fulfilment in relation to the mine of statutory responsibilities of the owner, matters of the class to which the provision, direction, prohibition, restriction, requirement or condition relates, the manager of the mine, any person who is for the time being treated for the purposes of this Act as the manager, every under-manager of the mine and any person who is for the time being treated for the purposes of this Act as an under-manager thereof.

(2) In the event of a contravention, in relation to a quarry, of—

(*a*) a provision of this Act or of regulations, not being a provision which expressly provides that a person is to be guilty of an offence; or

(*b*) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or

(*c*) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector;

each of the following persons shall, subject to the following provisions of this Act, be guilty of an offence, namely, the owner of the quarry, any person to whom written instructions have been given by the owner in pursuance of section one of this Act specifying as, or including amongst, the matters with respect to which that person is charged with securing the fulfilment in relation to the quarry of statutory responsibilities of the owner, matters of the class to which the provision, direction, prohibition, restriction, requirement or condition relates, every manager of the quarry and any person who is for the time being treated for the purposes of this Act as a manager thereof:

Provided that—

(i) neither a manager of a quarry who is not the sole manager thereof nor a person who is for the time being treated for the purposes of this Act as such a manager shall, by virtue of this subsection, be guilty of an offence by reason of any such contravention which

took place in, or in relation to, a part of the quarry to which his jurisdiction did not, at the time of the contravention, extend ; and

(ii) neither a sole nor any other manager of a quarry nor a person who is for the time being treated for the purposes of this Act as a manager thereof shall, by virtue of this subsection, be guilty of an offence which consists of such a contravention as aforesaid with regard to a matter responsibility for which is duly reserved to the owner in pursuance of section one hundred of this Act.

(3) In the event of a contravention, in relation to a mine, by a person other than one mentioned in subsection (1) of this section, of such a provision as is mentioned in paragraph (*a*) of that subsection, being a provision which expressly imposes on that person or on persons of a class to which he belongs a duty or requirement or expressly prohibits him or persons of a class to which he belongs or all persons from doing a specified act, the person who contravened that provision, as well as the persons mentioned in the said subsection (1), shall be guilty of an offence, and in the event of a contravention, in relation to a quarry, by a person other than one mentioned in subsection (2) of this section, of such a provision as is mentioned in paragraph (*a*) of that subsection, being a provision which expressly imposes on that person or on persons of a class to which he belongs a duty or requirement or expressly prohibits him or persons of a class to which he belongs or all persons from doing a specified act, the person who contravened that provision, as well as the persons mentioned in the said subsection (2), shall be guilty of an offence.

(4) Neither the manager of a mine as such, nor a manager of a quarry as such, nor a person who is for the time being treated for the purposes of this Act as the manager of a mine or a manager of a quarry, nor an under-manager of a mine, nor a person who is for the time being treated for the purposes of this Act as such an under-manager shall, by virtue of subsection (1) or (2) of this section, be guilty of an offence by reason of a contravention by the owner of the mine or quarry of—

(*a*) any provision of this Act, of an order made thereunder or of regulations, being a provision which expressly imposes on the owner of the mine or quarry a duty or requirement or a prohibition ; or

(*b*) any prohibition, restriction or requirement which, by virtue of a notice served under or by virtue of this Act by an inspector, is expressly imposed on the owner of the mine or quarry ;

or of a contravention of section three or one hundred and one of this Act.

PART XIV —*cont.*

Accessories.

153. Without prejudice to the operation—

(*a*) as respects England and Wales, of section eight of the Accessories and Abettors Act, 1861, and section thirty-five of the Magistrates' Courts Act, 1952; and

(*b*) as respects Scotland, of section sixty-one of the Criminal Procedure (Scotland) Act, 1887, and section two of the Summary Jurisdiction (Scotland) Act, 1954;

any person who induces or procures, or consents to or connives at, the commission of an offence under this Act, shall be guilty of an offence.

Supplementary provisions as to offences.

154.—(1) If any persons are employed at a mine or quarry otherwise than in accordance with the provisions of this Act, orders made thereunder and regulations, there shall be deemed to be a separate contravention in respect of each person so employed.

(2) If a person acts as manager of a mine in contravention of the provisions of subsection (1) of section five of this Act, of any condition attached to an approval granted under that subsection or of a direction given by a notice served under subsection (2) of that section, there shall be deemed to be a separate contravention in relation to each mine as manager of which he acts.

Penalty for offences for which no express penalty is provided.

155.—(1) A person guilty of an offence under this Act for which no express penalty is provided shall be liable—

(*a*) if he is the owner of a mine or quarry, a person to whom instructions have been given by the owner of a mine or quarry in pursuance of section one of this Act, the manager of a mine or a manager of a quarry, a person who is for the time being treated for the purposes of this Act as the manager of a mine or a manager of a quarry, an under-manager of a mine, a person who is for the time being treated for the purposes of this Act as such an under-manager or the surveyor for a mine, to a fine not exceeding two hundred pounds; and

(*b*) if not, to a fine not exceeding twenty pounds;

and, if the contravention in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding five pounds for each day on which the contravention is so continued.

(2) Where the court by which a person is convicted of any such offence as aforesaid is satisfied that the contravention in respect of which he is convicted—

(*a*) was likely to cause the death of, or serious bodily injury to, a person employed at the mine or quarry in relation to which the contravention occurred or a dangerous accident; or

PART XIV —*cont.*

(*b*) was likely to endanger the safety of any such person;

the court may impose upon the person convicted (either in addition to, or in substitution for, a fine) imprisonment for a term not exceeding three months.

Defence available to person charged with offence not committed personally.

156. In any proceedings under this Act which, by virtue of subsection (1) or (2) of section one hundred and fifty-two of this Act, are taken against a person in respect of the contravention by a person other than himself of—

(*a*) a provision of the Act, of an order made thereunder or of regulations, being a provision which expressly imposes on that other person or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibits him or persons of such a class or all persons from doing a specified act; or

(*b*) a prohibition, restriction or requirement which by virtue of a notice served under or by virtue of this Act by an inspector is expressly imposed on that other person;

it shall be a defence for the person charged to prove that he used all due diligence to secure compliance with the provision, prohibition, restriction or requirement, as the case may be.

Persons not to be under liability for contraventions which it was impracticable to avoid or prevent.

157. It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to a mine or quarry, of—

(*a*) a provision of this Act, of an order made thereunder or of regulations (not being a provision which expressly provides that a person is to be guilty of an offence); or

(*b*) a direction, prohibition, restriction, or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or

(*c*) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector;

to prove that it was impracticable to avoid or prevent the contravention.

Special defence available to mine under-managers with limited jurisdiction.

158.—(1) In any proceedings which, by virtue of subsection (1) of section one hundred and fifty-two of this Act are taken, in respect of such a contravention as is mentioned in that subsection against an under-manager of a mine acting as such, being an under-manager whose jurisdiction is limited to part only of the mine, it shall be a defence for him to prove that the contravention did not take place in, or in relation to, the part of the mine to which his jurisdiction was limited and that no act or omission of his caused or contributed to the contravention.

PART XIV —*cont.*

(2) The foregoing subsection shall apply to a person who is for the time being treated for the purposes of this Act as an under-manager of a mine, being a person whose jurisdiction is limited to part only of the mine, as it applies to an under-manager whose jurisdiction is so limited.

Liability of owners for breaches of statutory duty by their servants.

159. For the removal of doubts it is hereby declared that the owner of a mine or quarry is not absolved from liability to pay damages in respect of a contravention, in relation to the mine or quarry, by a person employed by him of—

(*a*) a provision of this Act, of an order made thereunder or of regulations; or

(*b*) a prohibition, restriction or requirement imposed by a notice served under or by virtue of this Act by an inspector;

by reason only that the provision contravened was one which expressly imposed on that person or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibited that person, or persons of such a class or all persons from doing a specified act or, as the case may be, that the prohibition, restriction or requirement was expressly imposed on that person or that that person was, in pursuance of this Act or regulations, appointed by a person other than the owner.

Liability of parents for unlawful employment of young persons.

160. If a young person is employed at a mine or quarry in contravention of the provisions of this Act, the parent of the young person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty pounds, unless it appears to the court that the contravention occurred without the consent, connivance or wilful default of the parent.

Forgery of certificates, false statements, &c.

161.—(1) If a person—

(*a*) with intent to deceive, forges or uses or lends to, or allows to be used by, another person a certificate granted under or by virtue of this Act by the Minister, or makes or has in his possession a doument so closely resembling any such certificate as to be calculated to deceive; or

(*b*) for the purpose of obtaining for himself or another person—

(i) the grant of any such certificate or the issue of a duplicate thereof or the restoration of any such certificate or a shortening of any period for which any such certificate is suspended; or

(ii) employment as manager or under-manager of a mine or as surveyor for a mine, or employment in

an office the appointment to which is required by or by virtue of this Act to be made by the manager of a mine; or

(iii) employment as manager of a quarry or employment in an office the appointment to which is required by regulations having effect by virtue of section one hundred and six of this Act to be made by the owner or a manager of a quarry,

makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or produces, furnishes, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, furnishes, sends or otherwise makes use of a document which is false in a material particular; or

(*c*) wilfully makes a false entry in any register, book, notice or other document required by or by virtue of this Act to be kept, served or given or, with intent to deceive, makes use of any such entry which he knows to be false; or

(*d*) in purported compliance with a requirement imposed by or by virtue of this Act to furnish any returns, statistics or other information or to inform a person of the substance of any instructions, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular; or

(*e*) discloses any return, statistics or other information in contravention of this Act; or

(*f*) on being required under paragraph (*f*) of subsection (1) of section one hundred and forty-five of this Act to mark on a plan the state of any workings, marks it thereon in a way which he knows to be false in a material particular or recklessly marks it thereon in a way which is false in a material particular; or

(*g*) falsely pretends to be an inspector;

he shall be guilty of an offence, and liable—

(i) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both;

(ii) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred pounds or to both.

PART XIV —*cont.*

(2) In this section the expression " forges " has, in the application thereof to England and Wales, the same meaning as in the Forgery Act, 1913.

Removal or defacement of notices, &c.

162. If, without reasonable excuse, a person removes, injures or defaces—

(*a*) a notice which is for the time being posted at a mine or quarry in pursuance of any provision of this Act or regulations; or

(*b*) a document which, in pursuance of section one hundred and thirty-five of this Act, is for the time being provided in accommodation provided in pursuance of that section;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds.

Prosecution of offences

163.—(1) Any offence under this Act with respect to the trial of which no express provision is made by this Act may be tried either summarily or upon indictment.

(2) A magistrates' court shall, in any proceedings for an offence under this Act, if required by either party, cause a note of the evidence to be taken and preserved.

(3) Where, in consequence of an accident or other occurrence at a mine or quarry, a special report is made in pursuance of this Act by an inspector, a report is made by a person appointed under this Act to hold a public inquiry or a coroner's inquest is held, and it appears from the report or from the proceedings at the inquest that, at or before the time of the accident or other occurrence, there was a contravention, in relation to the mine or quarry, of—

(*a*) a provision of this Act, of an order made thereunder or of regulations; or

(*b*) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or

(*c*) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector;

summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within three months after the making of the report or the conclusion of the inquest.

(4) Summary proceedings against any person liable to be proceeded against in respect of a contravention of provisions of

PART XIV —*cont.*

regulations having effect by virtue of subsection (1) of section seventeen or subsection (1) of section twenty of this Act may be commenced at any time within three months from the date on which evidence sufficient in the opinion of the Minister to justify a prosecution for the contravention comes to the knowledge of the Minister.

For the purposes of this subsection, a certificate of the Minister as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

(5) Where an offence is committed under this Act by reason of a failure to give a notice, enter a report or do any other thing at or within a time specified by this Act, an order made thereunder, regulations or a notice served under or by virtue of this Act by an inspector, the offence shall be deemed to continue until the notice is given, the report entered or the other thing done, as the case may be.

(6) In the application of this section to Scotland, for any reference to a coroner's inquest there shall be substituted a reference to an inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895, and for any reference to evidence sufficient to justify a prosecution there shall be substituted a reference to evidence sufficient to justify a report to the Lord Advocate with a view to consideration of the question of prosecution.

Restriction on institution of certain proceedings.

164. No proceedings for an offence under this Act shall, in England or Wales, be instituted against any such person as is mentioned in paragraph (*a*) of subsection (1) of section one hundred and fifty-five of this Act except by an inspector or by or with the consent of the Minister or the Attorney General.

Duty to report results of proceedings against persons employed at mines or quarries.

165.—(1) An owner or manager of a mine or quarry by whom are instituted proceedings against a person employed at the mine or quarry for an offence under this Act shall, within twenty-one days after the conclusion of the trial of that person for that offence, give to the inspector for the district notice of the result of the trial and shall also, within twenty-one days after the conclusion of any proceedings by way of appeal arising out of the trial, give to the inspector for the district notice of the result of those proceedings.

(2) For the purposes of this section the bringing of proceedings before the High Court to quash a conviction by order of certiorari shall be deemed to be an appeal.

Liability of parents for unlawful employment of children.

166. For the purposes of any proceedings under this Act in respect of the employment of children in contravention of section fourteen of the Education Act, 1918, section seventeen of the Education (Scotland) Act, 1918, or section one of the Employment of Women, Young Persons and Children Act, 1920 (being

PART XIV —*cont.*

enactments which prohibit the employment of children in factories, mines and quarries and, so far as they relate to mines and quarries, are incorporated with this Act), the references in section one hundred and sixty of this Act to a young person shall be construed as including references to a child within the meaning of the said section fourteen, the said section seventeen or the said section one, as the case may be.

Application of fines.

167. Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine recovered under this Act shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer.

PART XV

MISCELLANEOUS AND GENERAL

Supplementary Provisions

Division of mines.

168.—(1) Where two or more parts of a mine are worked separately, then, if the owner of the mine by notice served on the inspector for the district so requires, each such part shall, until the notice is withdrawn by a subsequent notice served by the owner on the inspector for the district, be treated for the purposes of this Act as a separate mine:

Provided that, where the parts of a mine worked separately, or any of them, have a common system of ventilation or any part of a system of ventilation in common, a notice under this subsection requiring that each part of the mine that is worked separately shall be treated as a separate mine shall be of no effect unless it is approved by an inspector by notice served on the owner of the mine.

(2) A notice under the foregoing subsection requiring that each part of a mine worked separately shall be treated as a separate mine shall be of no effect unless it specifies the points of separation of all roads connecting the parts of the mine that are worked separately.

(3) If an inspector is of opinion with respect to a mine whereof parts are, by virtue of this section, for the time being treated for the purposes of this Act as separate mines, that the division of the mine prejudices or is likely to prejudice the safety or health of the persons employed thereat (or any of them), he may serve on the owner of the mine a notice directing that subsection (1) of this section shall cease to apply to the mine.

The provisions of this Part of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection.

PART XV —*cont.*

Demarcation of quarries.

169.—(1) Where it appears to an inspector that doubt exists with respect to the boundary between two adjoining quarries, he may, by notice served on the owner of the quarries in a case where the same person is owner of both quarries, or on the respective owners of the quarries in any other case, require that, before the expiration of such period as may be specified in the notice, the boundary between the two quarries shall be determined by the owner or, as the case may be, by agreement between the respective owners and as so determined shall be notified to the inspector for the district by written instrument lodged with him by the owner or owners; and the boundary as so notified in compliance with the requirements of the notice shall, subject to any subsequent variation so determined and notified, be deemed for the purposes of this Act to be the boundary between the two quarries.

(2) In any proceedings taken in respect of the failure of the owner of one of two adjoining quarries who is not also the owner of the other quarry to comply with the requirements of a notice under the foregoing subsection, it shall be a defence to prove that the failure was solely due to his inability to reach agreement with respect to the boundary with the owner of the other quarry.

Provisions as to references upon notices served by inspectors.

170.—(1) The following provisions of this section shall apply in relation to any notice served under any provision of this Act or regulations by an inspector on the owner or manager of a mine or the owner or a manager of a quarry, being a notice which is expressly declared to be one to which the provisions of this Part of this Act with respect to references upon notices served by inspectors are to apply.

(2) If the person on whom any such notice is served or, in a case where it is served on two or more persons, any of them, by a counter-notice duly served on the inspector who served the notice demands a reference upon the notice, it shall stand referred to a person or persons selected by the nominated selector (as hereinafter defined) from amongst the members of that one of the panels of persons appointed by the Minister under this section which is appropriate to the circumstances of the case:

Provided that, if the said selector is satisfied that special reasons exist which render it expedient for him to act as referee instead of a person or persons selected as aforesaid, he may direct that the notice shall stand referred to him.

(3) On a reference under this section upon any such notice, any of the following persons may appear in person or be represented, and may give evidence and call such witnesses as he thinks fit, that is to say:—

(*a*) any person on whom the notice was served;

PART XV —*cont.*

(*b*) any inspector;

(*c*) any association or body representative of a majority of the total number of persons employed at the mine or quarry to which the notice relates;

(*d*) any other persons appearing to the referee or referees to be affected by the notice or any association or body representative of any such persons.

(4) The following provisions shall have effect with respect to the quashing or confirmation of any such notice upon a reference thereon under this section, namely,—

(*a*) if no relevant ground of objection to the notice is established to the satisfaction of the referee or referees, he or they shall confirm the notice;

(*b*) if a relevant ground of objection is so established, the referee or referees shall quash the notice unless he or they is or are of opinion that the objection can be met by modification of the notice, in which case the referee or referees shall confirm the notice subject to such modification as appears to him or them to meet the objection;

and where the notice is confirmed subject to any modification it shall take effect as modified.

(5) For the purposes of the last foregoing subsection—

(*a*) in the case of any such notice served under a provision of this Act (other than subsection (3) of section one hundred and sixty-eight), any of the following grounds which are appropriate to the circumstances of the case shall be a relevant ground of objection, namely,—

(i) that compliance with a prohibition, restriction or requirement sought to be imposed by or by virtue of the notice is, wholly or to a particular extent, unnecessary, inadvisable for reasons of safety or impracticable;

(ii) that any period limited by the notice is insufficient for the purpose of enabling any works to be executed or other thing done;

(*b*) in the case of a notice served under the said subsection (3), the relevant ground of objection shall be that the division of the mine to which the notice relates neither prejudices nor is likely to prejudice the safety or health of any of the persons employed at the mine;

(*c*) in the case of a notice served under any provision of regulations, the relevant ground or grounds of objection shall be such as may be prescribed.

PART XV —*cont.*

(6) Save as otherwise expressly provided by this Act or regulations, any such notice shall not become operative in any event until the expiration of the period within which a reference thereon may be demanded under this section or, if within that period such a reference is so demanded, until the notice is confirmed by the referee or referees.

(7) The quashing under this section of any such notice shall neither be taken to prevent the service by an inspector of a fresh notice nor, if the notice became operative before it was quashed, affect the previous operation thereof.

(8) The Minister may—

(*a*) constitute such number as he thinks fit of panels of persons from whom referees may be selected for the purposes of references under this section and, as respects each panel, may designate the cases in which it is to be treated for the purposes of this section as the appropriate panel;

(*b*) make rules for regulating such references and, in particular, for making provision with respect to the costs of such references (including the payment of remuneration and allowances to referees) and for specifying the form of a counter-notice under subsection (2) of this section and the period within which such a notice must be served;

and different periods may be specified by rules under paragraph (*b*) of this subsection in relation to the service of counter-notices relating to notices served under different provisions of this Act or regulations.

(9) The reference in subsection (2) of this section to the nominated selector shall be construed as referring to such person as may for the time being be nominated by the Minister, after consultation with the Lord Chancellor and the Lord President of the Court of Session, to discharge the duty of selecting referees to act upon references under this section.

Provisions as to knowledge by officials, &c., of Welsh language.

171. Where the natural language of communication of the persons employed at a mine or quarry or of a substantial number of those persons is Welsh, then, in considering the qualifications of candidates for appointments required, by or by virtue of this Act, to be made in the case of that mine or quarry, regard shall be had to the possession of a knowledge of that language.

PART XV —*cont.*

Power of Minister and inspectors to grant exemptions for limited period from commencement of this Act.

172. Where the Minister is of opinion, with respect to mines or quarries of any class, that by reason of the nature or amount of work involved, or of the shortness of the period during which the mines or quarries are expected to be worked or other special circumstances affecting them, it would not be right to require compliance with a particular provision of Part III or, as the case may be, Part V of this Act forthwith after the commencement of this Act, he may by order exempt mines or quarries of that class from that provision for such period, not exceeding five years beginning with the commencement of this Act, as may be specified in the order; and where an inspector is of the like opinion with respect to a particular mine or quarry, he may by notice served on the responsible person exempt the mine or quarry from that provision for such period, not exceeding five years beginning with the commencement of this Act, as may be specified in the notice.

Revocation and variation of orders and rules.

173. Any power conferred by this Act to make an order or rule shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rule.

Parliamentary control of orders, rules and regulations.

174. The powers conferred by this Act on the Minister to make orders, rules and regulations and on the Minister and the Minister of Labour and National Service to make orders shall be exercisable by statutory instrument which (except in the case of special regulations or of an order expressed to relate only to a particular mine or quarry or a particular set of premises) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Mode of service of notices under this Act.

175.—(1) A notice required or authorised by or by virtue of this Act to be served on or given to an inspector may be served or given by delivering it to him or by leaving it at, or sending it by post to, his office.

(2) A notice required or authorised by or by virtue of this Act to be served on or given to the owner of a mine or quarry may be served or given—

(*a*) where the owner is an individual, by delivering it to him, by leaving it at the office at the mine or quarry or by sending it by post addressed to him at his usual or last known place of abode or the proper postal address of the mine or quarry;

(*b*) where the owner is a body corporate, by delivering it to the secretary or clerk to the body at their registered or principal office or by sending it by post addressed to the secretary or clerk to the body at that office;

(c) where the owner is a firm, by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the office of the firm. PART XV —*cont.*

(3) A notice required or authorised by or by virtue of this Act to be served on or given to the manager of a mine or a manager of a quarry may be served or given by delivering it to him, by leaving it at the office at the mine or quarry or by sending it by post addressed to him at the proper postal address of the mine or quarry.

(4) The foregoing provisions of this section shall apply to the sending or lodging of any document as they apply to the giving of a notice.

Provisions as to exemptions, &c.

176.—(1) Any power conferred by this Act or regulations on the Minister or an inspector to grant, give or impose an exemption, consent, approval, authority, direction, requirement, prohibition or restriction or to make a determination shall be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to vary or revoke the exemption, consent, approval, authority, direction, requirement, prohibition, restriction or determination.

(2) Any exemption, consent, approval or authority granted or given under this Act or regulations by the Minister or an inspector may (subject to any express provision of this Act or regulations) be without limit of period or limited so as to expire on a specified date unless renewed, and may be absolute or conditional.

Fees for testing articles.

177. The Minister may charge, in respect of the testing by him of any articles with a view to the certification or approval thereof for the purposes of this Act or regulations, such fees as he may, with the approval of the Treasury, determine.

Expenses and receipts.

178. Any expenses incurred under or by virtue of this Act by the Minister shall be defrayed out of moneys provided by Parliament and any sums received under or by virtue of this Act by the Minister shall be paid into the Exchequer.

Application to the Crown.

179. This Act shall apply to mines and quarries belonging to Her Majesty in right of the Crown or to a Government department or held in trust for Her Majesty for the purposes of a Government department.

Interpretation

Meaning of "mine" and "quarry".

180.—(1) In this Act the expression "mine" means an excavation or system of excavations made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.

PART XV —*cont.*

(2) In this Act the expression " quarry " means an excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals, being neither a mine nor merely a well or bore-hole or a well and bore-hole combined.

(3) For the purposes of this Act—

(*a*) there shall be deemed to form part of a mine so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the shafts or outlets of the mine as is occupied together with the mine for the purpose of, or in connection with, the working of the mine, the treatment, preparation for sale, consumption or use, storage or removal from the mine of the minerals or products thereof gotten from the mine or the removal from the mine of the refuse thereof; and

(*b*) there shall be deemed to form part of a quarry so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the quarry as is occupied together with the quarry for the purpose of, or in connection with, the working of the quarry, the treatment, preparation for sale, consumption or use, storage or removal from the quarry of the minerals or products thereof gotten from the quarry or the removal from the quarry of the refuse thereof:

Provided that there shall not, for the said purposes, be deemed to form part of a mine or quarry premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine or quarry or the preparation for sale of minerals gotten therefrom.

(4) For the purposes of this Act premises for the time being used for depositing refuse from a single mine or quarry, being premises exclusively occupied by the owner of that mine or quarry, shall be deemed to form part of that mine or quarry, and premises for the time being used for depositing refuse from two or more mines or quarries, being premises occupied by the owner of one of those mines or quarries (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of those mines or quarries as the Minister may direct.

(5) For the purposes of this Act a railway line serving a single mine or quarry (not being a railway line falling within subsection (3) of this section or a railway line belonging to a railway company) shall be deemed to form part of that mine or quarry and a railway line jointly serving two or more mines or quarries

(not being a railway line falling within subsection (3) of this section or a railway line belonging to a railway company) shall be deemed to form part of such one of them as the Minister may direct.

(6) For the purposes of this Act a conveyor or aerial ropeway provided for the removal from a mine or quarry of minerals gotten therefrom or refuse therefrom shall be deemed to form part of the mine or quarry.

Meaning of "owner".

181.—(1) Subject to the provisions of this section, in this Act the expression "owner" means, in relation to a mine or quarry, the person for the time being entitled to work it.

(2) Where the working of a quarry is wholly carried out by a contractor on behalf of the person entitled to work it, the contractor shall, to the exclusion of that person, be taken for the purposes of this Act to be the owner of the quarry.

(3) Where two or more persons are entitled to work a quarry independently, that one of those persons who is the licensor of the others shall, to the exclusion of the others, be taken for the purposes of this Act to be the owner of the quarry.

(4) Where the business of a person who, by virtue of the foregoing provisions of this section is, for the purposes of this Act, to be taken to be owner of a mine or quarry is carried on by a liquidator, receiver or manager, or by some other person authorised to carry it on by an order of a court of competent jurisdiction, the liquidator, receiver, manager or other person shall be taken for the purposes of this Act to be an additional owner of the mine or quarry.

(5) This section shall, in its application to Scotland, have effect as if, for subsection (3), there were substituted the following subsection:—

"(3) Where two or more persons are entitled to work a quarry independently, and one of them has granted the right so to do to the other or others, that one shall, to the exclusion of the other or others, be taken for the purposes of this Act to be the owner of the quarry."

General interpretation provisions.

182.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"bodily injury" includes injury to health;

"central rescue station" has the meaning assigned to it by section seventy-two of this Act;

"contravention" includes, in relation to—

(*a*) a provision of this Act, of an order made thereunder or of regulations; or

PART XV —*cont.*

(*b*) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or

(*c*) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector;

a failure to comply with the provision, direction, prohibition, restriction, requirement or condition, and the expression "contravene" shall be construed accordingly;

"gas" includes fume or vapour;

"gravity operated rope haulage apparatus" means rope haulage apparatus worked solely by the action of gravity on a vehicle or vehicles attached to a rope forming part of the apparatus;

"gravity operated winding apparatus" means winding apparatus worked solely by the action of gravity on a part of it in which a load is carried;

"inset" means, in relation to a shaft or outlet of a mine, a heading, chamber or other space driven or excavated from the shaft or outlet, being a heading, chamber or space to which access can only be had from the shaft or outlet and not being a heading, chamber or space the sole or main purpose of the driving or excavation of which is the getting of minerals or products of minerals;

"inspector" means an inspector appointed under this Act, and a reference to the inspector for the district refers, as respects a mine or quarry, to the inspector in charge of the district in which the mine or quarry is situate;

"legal proceedings" includes arbitration;

"mechanically operated rope haulage apparatus" means rope haulage apparatus worked by a stationary engine;

"mechanically operated winding apparatus" means winding apparatus worked by a stationary engine;

"minerals" includes stone, slate, clay, gravel, sand and other natural deposits except peat;

"the Minister" means the Minister of Fuel and Power;

"notice" means a notice in writing;

"parent" means a parent or guardian of, or person having the legal custody of, or the control over, a young person, and includes, in relation to any young person, a person having direct benefit from his wages;

"period of employment" means the period (inclusive of the time allowed for meals and rest) within which a person may be employed on any day;

PART XV —*cont.*

" permitted lights " means, in relation to a mine or a part of a mine, locked safety-lamps and any other means of lighting the use of which below ground in mines generally, in mines of a class to which that mine belongs or in that mine is authorised by regulations;

" prescribed " has the meaning assigned to it by subsection (5) of section one hundred and forty-one of this Act;

" railway company " means any persons authorised by an enactment to construct, work or carry on a railway and includes the British Transport Commission, and for the purposes of this definition the expression " enactment " includes a provision of an order or scheme made under or confirmed by an Act;

" regulations ", " general regulations " and " special regulations " have the meanings respectively assigned to them by subsection (5) of section one hundred and forty-one of this Act;

" responsible person " means, in relation to a mine, the manager thereof and, in relation to a quarry, the owner thereof;

" road " does not include an unwalkable outlet;

" rope " includes chain;

" rope haulage apparatus " means apparatus for transporting loads in vehicles attached to ropes;

" safety-lamp mine " means a mine in no part of which below ground is the use of lamps or lights other than permitted lights lawful;

" safety-lamp part of a mine " means a part of a mine other than a safety-lamp mine, being a part below ground in which either the use of lamps or lights other than permitted lights is unlawful or safety-lamps are for the time being in use by way of temporary precaution;

" sanitary conveniences " includes urinals, water-closets, earth-closets, ash-pits, privies and any similar convenience;

" shaft " means a shaft the top of which is, or is intended to be, at the surface;

" staple-pit " includes winze;

" statutory responsibilities " means responsibilities under this Act, orders made thereunder and regulations;

" support rules " has the meaning assigned to it by subsection (1) of section fifty-four of this Act;

" transport rules " has the meaning assigned to it by subsection (1) of section thirty-seven of this Act;

PART XV —*cont.*

" unwalkable outlet " means an outlet which, owing to the gradient thereof or of any part thereof (whether alone or in combination with other circumstances), persons cannot walk up with reasonable convenience;

" week " means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

" winding apparatus " means, in relation to a mine shaft or staple-pit, apparatus for lowering and raising loads through the shaft or staple-pit;

" woman " means a woman who has attained the age of eighteen;

" young person " means a person who is over compulsory school age but has not attained the age of eighteen.

(2) For the purposes of this Act mine workings having a common system of ventilation, or any part of a system of ventilation in common, shall be deemed to form part of the same mine.

(3) For the purposes of this Act—

(*a*) the working of a mine shall be deemed to include the operation of driving a shaft or outlet therefor;

(*b*) the working of a quarry shall be deemed to include the operation of removing overburden thereat;

(*c*) a mine or quarry shall be deemed to be worked notwithstanding that the only operations carried on thereat are operations carried on with a view to abandoning the mine or quarry or for the purpose of preventing the flow therefrom into an adjacent mine or quarry of water or material that flows when wet, but shall not be deemed to be worked by reason only that pumping operations are carried on thereat for the purpose of supplying water to any person.

(4) References in this Act to the use of safety-lamps by way of temporary precaution shall, in relation to a mine, be construed as references to the occasional or intermittent use of locked safety-lamps by workmen employed below ground in the mine in a place in which the use of naked lights might be dangerous and, in relation to a part of a mine below ground, be construed as references to the occasional or intermittent use of locked safety-lamps by workmen employed in that part in such a place.

(5) References in this Act to any other enactment shall be construed as references to that enactment as amended, extended or applied by or under any subsequent enactment including, except where the context otherwise requires, this Act.

PART XV —*cont.*

Application of Act to training mines.

183.—(1) For the purposes of this Act an excavation or system of excavations made for training purposes shall be deemed to be a mine, and the use for those purposes of any premises which are a mine as defined by subsection (1) of section one hundred and eighty of this Act or are, by virtue of this section, deemed to be a mine shall be deemed, for the purposes of this Act, to constitute the working of the mine; but the Minister may by order direct that this Act shall, in its application to any such premises as aforesaid which are used exclusively for training purposes, have effect subject to such exceptions, adaptations and modifications as may be specified in the order.

(2) In this section the expression "training purposes" means the purposes of instructing or training below ground persons in, or in any work connected with, mining minerals.

Relationship of Factories Acts and this Act in case of certain premises

Relationship of Factories Acts and this Act in case of certain premises.

184.—(1) None of the provisions of the Factories Acts, 1937 and 1948, shall apply to any premises forming part of a mine or quarry.

(2) In the case of any premises to which all or any of the provisions of the Factories Acts, 1937 and 1948, would apply but for subsection (1) of this section, the Ministers may by order direct that that subsection shall not apply to the premises and that the premises shall be treated for the purposes of this Act as not forming part of a mine or quarry.

(3) In the case of any premises to which all or any of the provisions of the Factories Acts, 1937 and 1948, apply, being premises which, but for the proviso to subsection (3) of section one hundred and eighty of this Act, would be deemed for the purposes of this Act to form part of a mine or quarry, the Ministers may by order direct that neither any of the provisions of those Acts nor that proviso shall apply to the premises.

(4) In the case of premises which are a factory within the meaning of the Factories Acts, 1937 and 1948, or to which all or any of the provisions of those Acts apply as if the premises were such a factory, being premises which, though not forming part of a mine or quarry, are occupied by the owner of a mine or quarry and used solely for the purpose of the provision or supply for or to a single mine or quarry, or jointly for or to more than one mine or quarry, of services or electricity, the Ministers may by order direct that, while the order is in force, none of the provisions of the Factories Acts, 1937 and 1948, shall apply to the premises and the premises shall be deemed for the purposes of this Act to form part of the mine or quarry or, as the case may be, of such one of them as may be specified in the order.

(5) References in subsections (1) to (4) of this section to provisions of the Factories Acts, 1937 and 1948, shall be construed

PART XV —*cont.*

as exclusive of references to sections one hundred and seven and one hundred and eight of the Factories Act, 1937 (which respectively apply other provisions of that Act to building operations undertaken by way of trade or business or for the purposes of any industrial or commercial undertaking and to works of engineering construction so undertaken) and to the other provisions of those Acts in so far as, by virtue of the said sections one hundred and seven and one hundred and eight, they are applicable to such operations or works; but—

(*a*) the said section one hundred and seven shall not apply to any building operations undertaken below ground in a mine; and

(*b*) the said section one hundred and eight shall not apply to any works of engineering construction undertaken at a mine (whether above or below ground) or at a quarry.

(6) Where any machinery or apparatus is situate partly in a mine or quarry and partly in a factory within the meaning of the Factories Acts, 1937 and 1948, the Ministers may by order direct that it shall be deemed, for the purposes of this Act and the Factories Acts, 1937 and 1948, either to be wholly situate in the mine or quarry and not to be situate in the factory or to be wholly situate in the factory and not to be situate in the mine or quarry.

(7) In this section the expression "the Ministers" means the Minister and the Minister of Labour and National Service and references to building operations and works of engineering construction shall be construed in like manner as if they were references contained in the Factories Act, 1937.

Repeals, Savings, Transitional Provisions, &c.

Repeal, in part, of s. 2 of 46 & 47 Vict. c. 31.

185. So much of section two of the Payment of Wages in Public Houses Prohibition Act, 1883, as excludes from the definition of "workman" contained in that section a person employed in a mine to which the Coal Mines Act, 1911, or the Metalliferous Mines Regulation Act, 1872, applies shall cease to have effect.

Repeal of s. 21 of 16 & 17 Geo. 5. c. 28.

186. Section twenty-one of the Mining Industry Act, 1926 (which enables provision to be made for the establishment of joint committees for coal mines) shall cease to have effect.

Application of Part XIV of this Act to enactments relating to check-weighing and hours of work below ground.

187.—(1) The provisions of Part XIV of this Act shall have effect as if the provisions of the Coal Mines Regulation Act, 1887, the Coal Mines (Check Weigher) Act, 1894, and the Coal Mines (Weighing of Minerals) Act, 1905 (which relate to check weighing), and of the Coal Mines Regulation Act, 1908 (which relates to hours of work below ground), were included in this Act.

(2) Expressions used in the provisions of the said Acts to which meanings are assigned by this Act for the purposes thereof shall

PART XV —*cont.*

have those meanings for the purposes of the said provisions, and a person who is for the time being treated for the purposes of this Act as the manager of a mine shall also be treated for the purposes of the said Act of 1908 as the manager of that mine.

Minor and consequential amendments of other enactments.

188. The enactments specified in the Fourth Schedule to this Act shall have effect subject to the amendments respectively specified in relation thereto in that Schedule (being minor amendments and amendments consequential on the provisions of this Act).

General repeals.

189. The enactments mentioned in the first and second columns of the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and Regulation sixty A of the Defence (General) Regulations, 1939, is hereby revoked.

Power of Minister to provide for continuance in force of certain regulations and enactments.

190.—(1) The Minister may by order made before, but expressed to come into operation at, the commencement of this Act, re-enact (to the extent to which they could, by virtue of this Act, be enacted in regulations made under section one hundred and forty-one thereof)—

(*a*) provisions of any regulation having effect by virtue of section eighty-six of the Coal Mines Act, 1911, or of any order having effect by virtue of section sixty-one of that Act;

(*b*) provisions of any enactment repealed by the last foregoing section in so far as that enactment is not re-enacted in this Act;

subject to such modifications (if any) as appear to him to be consequential on the passing of this Act or requisite for the purpose either of bringing those provisions into conformity with this Act or of expressly limiting their operation to mines or quarries of the class to which their operation is limited immediately before the commencement of this Act.

(2) An order under the foregoing subsection shall set out in a schedule to the order the provisions thereby re-enacted, and may direct that those provisions shall have effect as if they were regulations made under section one hundred and forty-one of this Act and provide for the mode of citation thereof and may contain provision with respect to any matters for which it appears to the Minister expedient to provide for the purposes of the transition to the provisions of the order from the provisions of the regulation, order or enactment thereby re-enacted.

(3) For the avoidance of doubt it is hereby declared that the power conferred by subsection (1) of this section extends, in a case where provision is made by this Act for the granting by regulations of exemptions from an enactment contained therein

PART XV —*cont.*

(being an enactment which re-enacts, with or without modifications, a provision of a regulation having effect by virtue of section eighty-six of the Coal Mines Act, 1911, or of an enactment repealed by the last foregoing section), to the re-enactment, by way of exemption from the first-mentioned enactment (but not to a greater extent than is authorised by this Act), of any exception or exemption subject to which the provision re-enacted had effect.

General savings.

191.—(1) Nothing in this Act shall affect—

(*a*) any special regulation made under an enactment repealed by this Act;

(*b*) any rule made by the Mining Qualifications Board constituted under the Coal Mines Act, 1911;

(*c*) any order with respect to fees, notification of accidents or the manner in which persons are to be searched, being an order made under an enactment repealed by this Act or by the said Act of 1911;

(*d*) any rule made under section fifty of the said Act of 1911; or

(*e*) any certificate issued, exemption, consent, approval, permission or authority granted or any other thing done under an enactment repealed by this Act;

but any such regulation, rule or order so made or any certificate, exemption, consent, approval, permission, authority or thing so issued, granted or done shall, if in force at the commencement of this Act and so far as it could have been made, issued, granted or done under this Act, have effect as if it had been so made, issued, granted or done.

(2) Nothing in this Act shall affect any special rule established under an enactment repealed by this Act, but any such rule so established shall, if in force at the commencement of this Act and so far as it could, had it been a regulation, have been made under this Act, have effect as if it had been a regulation so made.

(3) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment in this Act.

(4) Any inquiry or formal investigation under section eleven or eighty-three of the Coal Mines Act, 1911, which is uncompleted at the commencement of this Act may be carried on and completed in all respects as if this Act had not passed.

(5) Any person holding office or acting or serving under or by virtue of an enactment repealed by this Act shall continue to hold office or to act or serve as if he had been appointed under or by virtue of the corresponding enactment in this Act.

PART XV —*cont.*

(6) Any register kept under an enactment repealed by this Act shall be deemed part of the register to be kept under the corresponding enactment in this Act.

(7) Nothing in this Act shall affect the definition of " mine " for the purposes of the Rating and Valuation (Apportionment) Act, 1928.

(8) The mention of particular matters in this section shall be without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Saving for persons managing certain small mines at commencement of this Act.

192. A person who, immediately before the commencement of this Act, is, by virtue of subsection (3) of section two of the Coal Mines Act, 1911, exercising and performing, in relation to a mine of coal, stratified ironstone, shale or fireclay then exempt from the provisions of that section, the powers and duties conferred and imposed by that Act on the manager of a mine, may be manager of that mine or another mine of coal, stratified ironstone, shale or fireclay at any time at which the number of persons employed below ground in the mine does not exceed thirty and no direction is in force with respect to the mine under paragraph (*b*) of subsection (2) of section four of this Act or under subsection (3) of that section, notwithstanding that he does not possess the qualifications required by this Act for appointment as manager thereof.

Saving for common law rights of workmen, &c.

193. No provision of this Act, of any order made thereunder or of regulations shall be construed as derogating from any rule of law with respect to the duties owed by masters to their servants (including, in particular, but without prejudice to the generality of the foregoing words, the duty to provide a safe system of working), and section one of this Act shall not be construed as derogating from any obligation imposed by or by virtue of any other provision of this Act upon the owner of a mine or quarry.

Commencement.

194. This Act, except sections one hundred and seventy-two and one hundred and ninety thereof, shall come into operation on such day as the Minister may by order appoint, and those sections shall come into operation on the passing of this Act; and for the purposes of this Act and of the application thereto of section thirty-seven of the Interpretation Act, 1889 (which relates to the exercise of statutory powers between the passing and the commencement of an Act) references to the commencement of this Act shall, notwithstanding the provisions of section thirty-six of the said Act of 1889 with respect to the construction of the expression " commencement ", be construed as references to the time at which this Act, except the said sections one hundred and seventy-two and one hundred and ninety, comes into operation.

Short title and extent.

195.—(1) This Act may be cited as the Mines and Quarries Act, 1954.

(2) This Act shall not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

PUBLIC INQUIRIES INTO ACCIDENTS, &C.

1. A public inquiry which the Minister directs to be held under section one hundred and twenty-two of this Act into an accident or other occurrence at a mine or quarry shall be held by a competent person appointed by the Minister who may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

2. The Minister may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.

3. The person appointed to hold the inquiry (hereafter in this Schedule referred to as "the court") shall hold the inquiry in public in such manner and under such conditions as the court thinks most effectual for ascertaining the causes and circumstances of the accident or other occurrence and for enabling the court to make the report hereafter in this Schedule mentioned.

4. The court shall, for the purposes of the inquiry, have power—

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

(*b*) by summons signed by the court to require any person to attend, at such time and place as is specified in the summons, to give evidence or produce any documents in his custody or under his control which the court considers it necessary for the purposes of the inquiry to examine;

(*c*) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the court thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person;

(*d*) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;

(*e*) to adjourn the inquiry from time to time; and

(*f*) subject to the foregoing sub-paragraphs, to regulate the procedure of the court.

5. A person attending as a witness before the court shall be entitled to be paid by the Minister such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the court to a master of the Supreme Court who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.

6. The court shall make a report to the Minister stating the causes and circumstances of the accident or other occurrence, adding any observations which the court thinks it right to make, and the Minister shall lay copies of the report before Parliament.

7. If a person—

(*a*) without reasonable excuse (proof whereof shall lie on him) fails, after having the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the court; or

(*b*) does any other thing which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court;

the court may, by instrument signed by the court, certify the offence of that person to the High Court or, in Scotland, the Court of Session, and the High Court or Court of Session may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court or, as the case may be, the Court of Session.

8. In the application of this Schedule to Scotland, for references to a master of the Supreme Court, to a witness attending on subpoena before a court of record, and to a summons there shall be respectively substituted references to the Auditor of the Court of Session, to a witness attending on citation the High Court of Justiciary and to an order.

SECOND SCHEDULE

Section 142.

PROCEDURE FOR MAKING REGULATIONS

PART I

PROCEDURE FOR MAKING GENERAL REGULATIONS

1. Before the Minister makes any general regulations he shall publish in the London Gazette and, if the regulations apply to Scotland, in the Edinburgh Gazette and (whether the regulations apply to Scotland or not) in such other manner as he thinks best adapted for informing persons affected, notice of his intention to make the regulations, specifying a place where copies of a draft thereof may be obtained and the time (which shall be not less than twenty-one days from the date of the publication) within which any objection made with respect to the draft regulations must be sent to him.

2ND SCH. —*cont.*

2. Every objection so made must be in writing and must state—

(*a*) the specific grounds of objection ; and

(*b*) the omissions, additions or modifications asked for ;

and the Minister shall consider any such objection made by or on behalf of any person appearing to him to be affected, being an objection sent to him within the time specified in the notice, but shall not be bound to consider any other objection.

3. If there are no objections which the Minister is required by the last foregoing paragraph to consider, he may make the regulations in the terms of the draft.

4. The following provisions shall have effect where the Minister does not proceed under the last foregoing paragraph:—

(*a*) if he is not required by paragraph 2 of this Schedule to consider a general objection and if either he is not so required to consider any special objection or all special objections which he is so required to consider appear to him, upon consideration thereof, to be frivolous, he may, unless he decides to take no further proceedings with respect thereto, either make the regulations in the terms of the draft or, if he thinks fit so to do, refer the draft regulations for inquiry and report under Part III of this Schedule ; and

(*b*) in any other case, he shall, unless he decides to take no further proceedings with respect thereto, refer the draft regulations for inquiry and report as aforesaid.

5. Where, under the last foregoing paragraph, the Minister refers the draft regulations for inquiry and report under Part III of this Schedule, he shall consider the report and, unless he decides to take no further proceedings with respect to the draft regulations, may,—

(*a*) if the report of the person or persons holding the inquiry does not recommend the making of any modifications in the draft regulations, make the regulations in the terms of the draft ; or

(*b*) if the said report recommends the making of modifications in the draft regulations, make the regulations in the terms of the draft subject to such modifications as give effect to the recommendations made in the report.

6. In this Part of this Schedule—

(*a*) the expression "general objection" means, in relation to draft regulations, an objection to any provision thereof, being an objection made by or on behalf of owners of mines or quarries who employ not less than one third of the total number of persons employed at all the mines and quarries affected by the draft regulations or by or on behalf of an association or body representative of not less than one third of the total number of persons so employed ; and

2ND SCH. —*cont.*

(*b*) the expression "special objection" means, in relation to draft regulations,—

(i) an objection to any provision thereof, being an objection made by or on behalf of owners of a class of mines or quarries or a sub-division of a class of mines or quarries and expressed to be made on the ground that, having regard to the special conditions of, or the special methods of working at, mines or quarries of that class or sub-division, the provision objected to ought not to apply thereto; or

(ii) an objection to a provision thereof applicable only to a particular class of mines or quarries or a particular sub-division of such a class, being an objection made by or on behalf of owners of mines or quarries of that class or sub-division, as the case may be, who employ not less than one-third of the total number of persons employed at all mines or quarries of that class or sub-division, or by or on behalf of an association or body representative of not less than one-third of the total number of persons so employed;

not being, in either case, an objection which, by virtue of sub-paragraph (*a*) of this paragraph, is a general objection.

PART II

PROCEDURE FOR MAKING SPECIAL REGULATIONS

7. Special regulations with respect to a mine or quarry shall not be made otherwise than on the application of an inspector, the owner of the mine or quarry, not less than one-third of the total number of persons employed thereat or an association or body representative of not less than one-third of the total number of persons so employed.

8. An application for the making of special regulations must be accompanied by a draft of the regulations sought to be made.

9. Before the Minister makes any special regulations he shall publish in such manner as he thinks best adapted for informing persons affected notice of his intention to make the regulations, specifying the place where copies of a draft thereof may be obtained and the time (which shall be not less than twenty-one days from the date of the publication) within which any objection made with respect to the draft regulations must be sent to him.

10. Every objection so made must be in writing and must state—

(*a*) the specific grounds of objection; and

(*b*) the omissions, additions or modifications asked for;

and the Minister shall consider any such objection made by or on behalf of any person appearing to him to be affected, being an objection sent within the time specified in the notice, but shall not be bound to consider any other objection.

11. If there are no objections which the Minister is required by the last foregoing paragraph to consider, he may make the regulations in the terms of the draft.

2ND SCH. —*cont.*

12. The following provisions shall have effect where the Minister does not proceed under the last foregoing paragraph:—

(*a*) if he is required by paragraph 10 of this Schedule to consider an objection made by or on behalf of the owner of the mine or quarry to which the draft regulations relate or by or on behalf of an association or body representative of not less than one-third of the total number of persons employed thereat, he shall, unless he decides to take no further proceedings with respect thereto, refer the draft regulations for inquiry and report under Part III of this Schedule; and

(*b*) in any other case, he may, unless he decides to take no further proceedings with respect to the draft regulations, either make the regulations in the terms of the draft or, if he thinks fit so to do, refer the draft regulations for inquiry and report as aforesaid.

13. Where, under the last foregoing paragraph, the Minister refers the draft regulations for inquiry and report under Part III of this Schedule, he shall consider the report and, unless he decides to take no further proceedings with respect to the draft regulations, may,—

(*a*) if the report of the person or persons holding the inquiry does not recommend the making of any modifications in the draft regulations, make the regulations in the terms of the draft; or

(*b*) if the said report recommends the making of modifications in the draft regulations, make the regulations in the terms of the draft subject to such modifications as give effect to the recommendations made in the report.

PART III

INQUIRIES UNDER PART I OR II

14. The following provisions of this Part of this Schedule shall have effect where any draft regulations are, by virtue of Part I or Part II of this Schedule, referred for inquiry and report under this Part of this Schedule.

15. The inquiry shall be held by a competent person or competent persons appointed by the Lord Chancellor and, where two or more persons are appointed to hold the inquiry, the Lord Chancellor shall appoint one of them to preside over it.

16. There may be paid by the Minister to the person or persons holding the inquiry such remuneration and allowances as may be fixed by the Lord Chancellor with the approval of the Treasury.

17. The inquiry shall be public and shall be held at such place as the Lord Chancellor may appoint.

18. Any of the following persons may appear at the inquiry either in person or by counsel, solicitor or agent, and may give evidence and call such witnesses as he thinks fit, that is to say:—

(*a*) the Minister;

2ND SCH. —*cont.*

(*b*) any person who duly objected to any provision of the draft regulations; and

(*c*) any other person, being a person who, in the opinion of the person holding the inquiry (or, if two or more persons are holding it, the person presiding over it), is affected by the draft regulations.

19. The evidence of the witnesses at the inquiry may, if the person holding it (or, if two or more persons are holding it, the person presiding over it) thinks fit, be taken on oath, and for that purpose the said person may administer oaths.

20. The person or persons holding the inquiry shall make a report to the Minister stating whether or not the draft regulations ought, in his or their opinion, to be modified and, if in his or their opinion the draft regulations ought to be modified, stating in what respect they ought to be modified.

21. If it appears to the person holding the inquiry (or, if two or more persons are holding it, the person presiding over it) that any objection made thereat to any provision of the draft regulations was frivolous or vexatious, he may order that the expenses incurred by the Minister for the purposes of the inquiry or such part of those expenses as may be specified in the order shall be paid by the person by or on whose behalf the objection was made; and an order under this paragraph shall, on the application of the Minister, be enforceable by a magistrates' court as if the amount ordered to be paid were a sum adjudged to be paid by an order of that court.

22. Subject to the foregoing provisions of this Part of this Schedule, the inquiry and all proceedings preliminary or incidental thereto shall be conducted in accordance with rules made by the Minister.

23. Where any draft regulations referred for inquiry and report under this Part of this Schedule apply to Scotland only, this Part of this Schedule shall apply subject to the following modifications:—

(*a*) for references to the Lord Chancellor there shall be substituted references to the Lord President of the Court of Session;

(*b*) an order under paragraph 21 of this Schedule may be recorded in the Books of Council and Session for execution and may be enforced accordingly.

THIRD SCHEDULE

Section 150.

INQUIRIES INTO FITNESS OF HOLDERS OF CERTIFICATES AND DELIVERY UP AND CUSTODY OF CERTIFICATES IN CONNECTION WITH PROSECUTIONS AND INQUIRIES

PART I

INQUIRIES INTO FITNESS OF HOLDERS OF CERTIFICATES

1. The tribunal holding an inquiry under section one hundred and fifty of this Act shall consist of a person or persons appointed by the Minister, and may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

3RD SCH. —*cont.*

2. The Minister may pay to the person or persons constituting the tribunal and to any assessor appointed to assist the tribunal such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.

3. The inquiry shall be public and shall be held at such place as the Minister may appoint.

4. The Minister shall, before the beginning of the inquiry, furnish to the person whose fitness to continue to hold a certificate is to be inquired into a statement of the case on which the inquiry is instituted.

5. The said person may appear at the inquiry either in person or by counsel, solicitor or agent, and may give evidence and call such witnesses as he thinks fit.

6. At the conclusion of the inquiry the tribunal shall send to the Minister a report containing a full statement of the case and the opinion of the tribunal thereon and such report of, or extracts from, the evidence as the tribunal thinks fit.

7. The tribunal shall, for the purposes of the inquiry, have power—

(*a*) to enter and inspect any place or building the entry or inspection of which appears to the tribunal requisite for the said purposes;

(*b*) by summons signed by the tribunal to require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which the tribunal considers it necessary for the purposes of the inquiry to examine;

(*c*) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the tribunal thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person;

(*d*) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;

(*e*) to adjourn the inquiry from time to time; and

(*f*) subject to the foregoing sub-paragraphs, to regulate the procedure of the tribunal.

8. A person attending as a witness before the tribunal shall be entitled to be paid by the Minister such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the tribunal to a master of the Supreme Court who, on request signed by the tribunal, shall ascertain and certify the proper amount of the expenses.

9. The tribunal may make such orders as it thinks fit respecting the payment of the costs and expenses of the inquiry and any such order shall, on the application of any person entitled to the benefit thereof, be enforceable by a magistrates' court as if the amount

ordered to be paid were a sum adjudged to be paid by an order of that court. 3RD SCH. —*cont.*

10. If a person—

(*a*) without reasonable excuse (proof whereof shall lie on him) fails, after having the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the tribunal; or

(*b*) does any other thing which would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court;

the tribunal may, by instrument signed by it, certify the offence of that person to the High Court or, in Scotland, the Court of Session, and the High Court or Court of Session may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court or, as the case may be, the Court of Session.

PART II

DELIVERY UP AND CUSTODY OF CERTIFICATES IN CONNECTION WITH PROSECUTIONS AND INQUIRIES

11. The holder of any such certificate as is mentioned in section one hundred and fifty of this Act may, after notice of intention to make an application under subsection (1) of the said section one hundred and fifty has been duly served on him, be required by the court dealing with an information or trying an indictment for an offence alleged to have been committed by him, or may be required by a tribunal making inquiry under the said section one hundred and fifty, to deliver up his certificate to the court or, as the case may be, the tribunal at the hearing.

12. A certificate so delivered up may be retained by the court or tribunal until the conclusion of the proceedings:

Provided that a certificate delivered up to the court shall be returned to the holder thereof on his making an election under paragraph (*b*) of the proviso to subsection (1) of the said section one hundred and fifty.

13. Where the court or tribunal cancels or suspends a certificate it shall, at the conclusion of the proceedings, send the Minister notice thereof and shall also send him the certificate for retention by him.

14. Where on an appeal (whether by way of case stated or otherwise) the conviction of the holder of the certificate is quashed or the cancellation or suspension thereof is quashed or varied, the court by which the conviction is quashed or the appeal is allowed shall send notice thereof to the Minister:

Provided that where on an appeal by way of case stated the High Court remits the matter to a magistrates' court or a court of quarter sessions, notice of the order of the court on the remission shall be sent to the Minister by the magistrates' court or court of quarter sessions, as the case may be.

3RD SCH. —*cont.*

15. Where a certificate has been sent to the Minister under paragraph 13 of this Schedule, he shall—

(*a*) on receipt of a notice that the conviction of the holder thereof, or the cancellation or suspension thereof, has been quashed ; or

(*b*) on the expiration of any period for which the certificate stands suspended (whether after conviction or appeal) ;

return the certificate to the holder.

16. For the purposes of this Part of this Schedule, the bringing of proceedings before the High Court to quash a conviction by order of certiorari shall be deemed to be an appeal.

PART III

MODIFICATIONS OF PARTS I AND II FOR THE PURPOSES OF THEIR APPLICATION TO SCOTLAND

17. In the application of this Schedule to Scotland,—

(*a*) for references to a master of the Supreme Court, to a witness attending on subpoena before a court of record, to a summons and to an information there shall be respectively substituted references to the Auditor of the Court of Session, to a witness attending on citation the High Court of Justiciary, to an order and to a summary complaint ;

(*b*) an order under paragraph 9 of this Schedule may be recorded in the Books of Council and Session for execution and may be enforced accordingly.

Section 188.

FOURTH SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

The Coal Mines Regulation Act, 1887

50 & 51 Vict. c. 58

In sections twelve and thirteen (which relate respectively to the payment of persons employed in mines by weight and to the appointment of check weighers on their behalf) the word "agent", wherever it occurs, shall be omitted.

The Coal Mines (Check Weigher) Act, 1894

57 & 58 Vict. c. 52

In section one (which penalizes interference with the office of check weigher) the word "agent", wherever it occurs, shall be omitted.

The Coal Mines (Weighing of Minerals) Act, 1905

5 Edw. 7. c. 9

In subsection (2) of section one (which relates to evidence of the appointment of check weighers) the word "agent" shall be omitted.

4TH SCH. —*cont.*

The Coal Mines Regulation Act, 1908

8 Edw. 7. c. 57

In sections one, two, three, five and six (which impose limits on the hours of work below ground in mines of coal, stratified ironstone, shale and fireclay and provide for ancillary matters) the words "owner, agent or", wherever they occur, shall be omitted, and in subsection (7) of section one the words "fireman, examiner or", in both places where they occur, shall be omitted.

The Education Act, 1918

8 & 9 Geo. 5. c. 39

For paragraphs (*b*) and (*c*) of section fourteen (which prohibits the employment of children in factories, mines and quarries in England and Wales) there shall be substituted the following paragraph:—

"(*b*) at any mine or quarry within the meaning of the Mines and Quarries Act, 1954;".

The Education (Scotland) Act, 1918

8 & 9 Geo. 5. c. 48

For paragraphs (*b*) and (*c*) of section seventeen (which prohibits the employment of children in factories, mines and quarries in Scotland) there shall be substituted the following paragraph:—

"(*b*) at any mine or quarry within the meaning of the Mines and Quarries Act, 1954;".

The Mining Industry Act, 1920

10 & 11 Geo. 5. c. 50

In subsection (3) of section eighteen (which relates to the making of drainage schemes with respect to groups of mines) for the words "The provisions of sections eighty-six and one hundred and seventeen of, and Part I of the Second Schedule to, the Coal Mines Act, 1911, which relate to general regulations shall apply with the necessary modifications to schemes under this section" there shall be substituted the words "The provisions of Parts I and III of the Second Schedule to the Mines and Quarries Act, 1954, shall, with the necessary modifications, have effect with respect to the procedure for making a scheme under this section as they have effect with respect to the procedure for making general regulations under that Act, and the power conferred by this section to make a scheme shall be construed as including power (exercisable in the like manner and subject to the like conditions) to revoke or vary the scheme".

References in the said section eighteen to owners of mines shall be construed in like manner as if they were contained in this Act.

4TH SCH. —*cont.*

The Employment of Women, Young Persons and Children Act, 1920

10 & 11 Geo. 5. c. 65

In subsection (6) of section one (which subsection relates to the enforcement of the restrictions imposed by other provisions of that section on the employment of children and young persons in industrial undertakings) the reference to coal mines, metalliferous mines and quarries shall be construed as a reference to mines and quarries within the meaning of this Act and the reference to the Coal Mines Act, 1911, and the Metalliferous Mines Regulation Acts, 1872 and 1875, shall be construed as a reference to this Act.

The Mining Industry Act, 1926

16 & 17 Geo. 5. c. 28

In section twenty-three (which requires the giving of facilities to the Department of Scientific and Industrial Research where shafts or bore-holes are sunk), in subsections (3) and (4), the word "agent" shall be omitted, and for subsection (5) there shall be substituted the following subsection:—

"(5) Any officer appointed by the Committee shall have the same rights as to the production and inspection of plans, sections and drawings which, by or by virtue of the Mines and Quarries Act, 1954, are required to be kept, as are by that Act conferred on inspectors, and that Act shall apply accordingly".

The Petroleum (Production) Act, 1934

24 & 25 Geo. 5. c. 36

In section seven (which relates to the inspection of plans and sections of mines for the purpose of ascertaining on behalf of the Minister the position of workings through or near which it is proposed to sink a bore-hole for the purpose of searching for or getting petroleum), for the words from "the same rights" to the end of the section, there shall be substituted the words "the same rights as to the production and inspection of plans, sections and drawings which, by or by virtue of the Mines and Quarries Act, 1954, are required to be kept, as are by that Act conferred on inspectors, and that Act shall apply accordingly".

The Hours of Employment (Conventions) Act, 1936

26 Geo. 5. & 1 Edw. 8. c. 22

In subsection (2) of section one (which subsection relates to the enforcement of the restrictions imposed by that section on the employment of women by night in industrial undertakings) the reference to coal mines, metalliferous mines and quarries shall be construed as a reference to mines and quarries within the meaning of this Act and the reference to the Coal Mines Act, 1911, and the Metalliferous Mines Regulation Acts, 1872 and 1875, shall be construed as a reference to this Act.

The Young Persons (Employment) Act, 1938
1 & 2 Geo. 6. c. 69

4TH SCH. —*cont.*

For subsection (3) of section three (which relates to the enforcement of the provisions of Part I of that Act) there shall be substituted the following subsection:—

"(3) An inspector appointed under the Mines and Quarries Act, 1954, shall have the same powers and duties for the purpose of the enforcement of the provisions of this Part of this Act in their application to young persons employed at or in connection with a mine or quarry within the meaning of the said Act of 1954 as he would have if those provisions were provisions of that Act".

FIFTH SCHEDULE

Section 189.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
35 & 36 Vict. c. 77.	The Metalliferous Mines Regulation Act, 1872.	The whole Act.
38 & 39 Vict. c. 39.	The Metalliferous Mines Regulation Act, 1875.	The whole Act.
46 & 47 Vict. c. 31.	The Payment of Wages in Public Houses Prohibition Act, 1883.	In section two, the words from "nor any person" to the end of the section.
50 & 51 Vict. c. 19.	The Quarry (Fencing) Act, 1887.	The whole Act.
50 & 51 Vict. c. 58.	The Coal Mines Regulation Act, 1887.	In section twelve, in subsection (1), the word "agent", wherever it occurs, and subsection (2). In section thirteen, in subsection (2), the word "agent" and the words "against this Act", in subsection (3) the word "agent", in subsection (4), the word "agent" wherever it occurs, in subsection (5), the word "agent" and, in subsection (8), the word "agent" and the words "against this Act".
57 & 58 Vict. c. 42.	The Quarries Act, 1894.	The whole Act.
57 & 58 Vict. c. 52.	The Coal Mines (Check Weigher) Act, 1894.	In section one, the word "agent", wherever it occurs, and the words "against the Coal Mines Regulation Act, 1887".
63 & 64 Vict. c. 21.	The Mines (Prohibition of Child Labour Underground) Act, 1900.	The whole Act.
5 Edw. 7. c. 9.	The Coal Mines (Weighing of Minerals) Act, 1905.	In section one, in subsection (2), the word "agent".

5TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
6 Edw. 7. c. 53	The Notice of Accidents Act, 1906.	Sections one, two, three and five.
8 Edw. 7. c. 57	The Coal Mines Regulation Act, 1908.	In section one, in subsection (3), the words " owner, agent or ", in subsection (4), the words " owner, agent or ", in subsection (5), the words " owner, agent or " and, in subsection (7), the words " fireman, examiner or " in both places where they occur. In section two, in subsection (1), the words " owner, agent or " and, in subsection (2), the words " owner, agent or ". In section three, in subsection (1), the words " owner, agent or" and, in subsection (2), the words " owner, agent or ". In section five, the words " owner, agent or ". In section six, the words " owner, agent or ". In section seven, in subsection (1), the words from the beginning to " Provided that", and subsection (2).
10 Edw. 7. & 1 Geo. 5. c. 15.	The Mines Accidents (Rescue and Aid) Act, 1910.	The whole Act.
1 & 2 Geo. 5. c. 50.	The Coal Mines Act, 1911.	The whole Act.
4 & 5 Geo. 5. c. 22.	The Coal Mines Act, 1914.	The whole Act.
6 & 7 Geo. 5. c. 31.	The Police, Factories, &c., (Miscellaneous Provisions) Act, 1916.	Section ten.
10 & 11 Geo. 5. c. 50.	The Mining Industry Act, 1920.	Sections nineteen and twenty-one. In section twenty-five, the definitions of " owner ", " agent " and " management ".
13 & 14 Geo. 5. c. 42.	The Workmen's Compensation Act, 1923.	Section twenty-eight.
16 & 17 Geo. 5. c. 28.	The Mining Industry Act, 1926.	Section twenty-one. In section twenty-three, in subsection (3), the word " agent " and, in subsection (4), the word " agent ".
26 Geo. 5 & 1 Edw. 8. c. 22.	The Hours of Employment (Conventions) Act, 1936.	Section two.
1 Edw. 8. & 1 Geo. 6. c. 62.	The Coal Mines (Employment of Boys) Act, 1937.	The whole Act.

5TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
1 Edw. 8. & 1 Geo. 6. c. 67.	The Factories Act, 1937.	In section one hundred and fifty-one, subsection (5). In section one hundred and fifty-eight, subsections (1) to (3).
6 & 7 Geo. 6. c. 6.	The Workmen's Compensation Act, 1943.	Section four.
12 & 13 Geo. 6. c. 53.	The Coal Industry Act, 1949.	Part II. In section thirteen, in subsection (2), the words from "and the Coal Mines Acts, 1887 to 1943" to the end of the subsection.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Accessories and Abettors Act, 1861 ...	24 & 25 Vict. c. 94.
Metalliferous Mines Regulation Act, 1872...	35 & 36 Vict. c. 77.
Payment of Wages in Public Houses Prohibition Act, 1883	46 & 47 Vict. c. 31.
Criminal Procedure (Scotland) Act, 1887 ...	50 & 51 Vict. c. 35.
Coal Mines Regulation Act, 1887	50 & 51 Vict. c. 58.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Coal Mines (Check Weigher) Act, 1894 ...	57 & 58 Vict. c. 52.
Fatal Accidents Inquiry (Scotland) Act, 1895	58 & 59 Vict. c. 36.
Public Health (Scotland) Act, 1897	60 & 61 Vict. c. 38.
Coal Mines (Weighing of Minerals) Act, 1905	5 Edw. 7. c. 9.
Coal Mines Regulation Act, 1908	8 Edw. 7. c. 57.
Coal Mines Act, 1911	1 & 2 Geo. 5. c. 50.
Education Act, 1918	8 & 9 Geo. 5. c. 39.
Education (Scotland) Act, 1918	8 & 9 Geo. 5. c. 48.
Employment of Women, Young Persons and Children Act, 1920	10 & 11 Geo. 5. c. 65.
Mining Industry Act, 1926	16 & 17 Geo. 5. c. 28.
Rating and Valuation (Apportionment) Act, 1928	18 & 19 Geo. 5. c. 44.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 50.
Factories Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 67.
Prevention of Damage by Pests Act, 1949	12, 13 & 14 Geo. 6. c. 55.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Summary Jurisdiction (Scotland) Act, 1954...	2 & 3 Eliz. 2. c. 48.