EXPLANATORY NOTE

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

These rules, made under the Mines and Quarries Act, 1954, s. 170, regulate the procedure to be followed in every case in which a reference to a referee has been duly demanded by the owner or manager of a mine, or the owner or a manager of a quarry, upon whom an inspector has served a notice, under any provision of the Act or the regulations, which is one to which the provisions of Part XV of the Act with respect to references apply. The rules also specify the powers of a referee.

A form is prescribed for the counter-notice to be served by the objector under s. 170 (2) of the Act (rule 1). The inspector must apply to the person nominated as selector in pursuance of s. 170 (9) for the selection of a referee (rule 2). The objector must serve on the inspector an objection statement specifying the grounds of objection, and the facts and contentions relied on (rule 3), and the inspector must serve a reply (rule 4).

The date, time and place for the hearing of the reference are determined by the referee (rule 8). That rule also provides that a notice of the date, time and place for the hearing (in the form specified) must be kept posted at the mine or quarry concerned until the notice upon which the reference was demanded has been either quashed or confirmed.

The referee has power to dispose of any outstanding matter on the reference notwithstanding the failure of any party thereto to comply with the rules or to appear at the hearing; to enter and inspect any mine or quarry affected by the notice; to adjourn the reference from time to time and from place to place; and (subject to the provisions of the Act and of the rules) to regulate the procedure on the reference (rule 11). He may also make such orders as he thinks fit respecting the payment of the costs of the reference (rule 12).

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(2) REGULATIONS

1956 No. 2018

The Mines and Quarries (Draft Regulations) Rules, 1956

Made - - - -	17*th December*, 1956
Laid before Parliament	21*st December*, 1956
Coming into Operation	1*st January*, 1957

The Minister of Fuel and Power, in exercise of the powers conferred upon him by paragraph twenty-two of Part III of the Second Schedule to the Mines and Quarries Act, 1954(a), hereby makes the following rules:—

PART I

Proceedings preliminary to inquiries

1. As soon as may be after the appointment by the Lord Chancellor of a person or persons to hold an inquiry (such a person or persons being in these rules referred to as a "tribunal") the tribunal shall publish or cause to be published in such manner as it thinks fit for the purpose of notifying persons likely to be affected by the draft regulations, and send or cause to be

(a) 2 & 3 Eliz. 2. c. 70.

sent by post to the Minister and to every person who duly made an objection with respect to a provision of the draft regulations, a notice specifying—

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

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

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

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

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

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

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

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

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

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

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

3. In any case in which a meeting for directions is not ordered by the tribunal, it shall publish or cause to be published in such manner as it thinks fit for the purpose of notifying persons likely to be affected by the draft

regulations and send or cause to be sent by post to the Minister and to every person who duly made an objection with respect to a provision of the draft regulations, a notice specifying the date on which and time at which the inquiry shall be held.

PART II

Inquiries

4. At and for the purposes of every inquiry—

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

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

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

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

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

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

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

6. In every case in which the Lord Chancellor has appointed a tribunal consisting of two or more persons—

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

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

PART III

General

Interpretation

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

" the Act " means the Mines and Quarries Act, 1954;

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

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

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

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

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

(3) The Interpretation Act, 1889(a) shall apply to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

Application to Scotland

8. Where any draft regulations referred for inquiry and report apply to Scotland only, for references in these rules to the Lord Chancellor there shall be substituted references to the Lord President of the Court of Session.

Commencement and citation

9. These rules shall come into operation at the commencement of the Act and may be cited as the Mines and Quarries (Draft Regulations) Rules, 1956.

Dated this seventeenth day of December, nineteen hundred and fifty-six.

Aubrey Jones,
Minister of Fuel and Power.

EXPLANATORY NOTE

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

These rules, made under paragraph 22 of Part III of the Second Schedule to the Mines and Quarries Act, 1954, regulate the procedure for the conduct of the inquiry, and the proceedings preliminary and incidental thereto, where any draft regulations proposed to be made by the Minister of Fuel and Power are, by virtue of Part I or Part II of that Schedule, referred for inquiry and report under Part III.

The name of every member of the tribunal appointed to hold the inquiry, of any person appointed to preside over the inquiry, and an address to which all communications must be sent, are required to be published (rule 1). Under rule 2 the tribunal may, if it thinks fit for the purpose of facilitating the just, expeditious and economical disposal of the inquiry, hold a preliminary meeting (a "meeting for directions") at which every person entitled to appear at the inquiry may (either in person or by counsel, solicitor or agent) make representations to the tribunal, and at which the tribunal may give appropriate directions, as to the future course of the inquiry, including the manner in which evidence of any fact or opinion may be given, the inspection before the inquiry of plans, photographs, models, statistics or results of experiments and the agreement to the admission thereof at the inquiry without further proof, and the order in which matters shall be dealt with at the inquiry. The tribunal must also at the meeting endeavour to secure that the persons entitled to appear at the inquiry make all admissions for the purposes of the inquiry and all agreements as to the conduct thereof which ought reasonably to be made by them.

At the inquiry, the tribunal may inspect any premises which are occupied by any person entitled to appear at the inquiry and which would be affected by the draft regulations (if made); may vary or revoke any order made or direction given by it at the meeting for directions and make any order or give any direction which it could have made or given at that meeting; adjourn the inquiry from time to time; and (subject to the provisions of the Act and of the rules) regulate the procedure at the inquiry (rule 4).

(a) 52 & 53 Vict. c. 63.