

SCHEDULES

SCHEDULE 3

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 127 shall consist of a person or persons appointed by^[F1] the Executive], and may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

F1 SR 1999/150

- 2 ^[F2]the Executive] 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 Ministry with the approval of the Ministry of Finance^{F3} may determine.

F2 SR 1999/150

F3 functions transf. to D/CS, SR 1976/281

- 3 The inquiry shall be public and shall be held at such place as^[F4] the Executive] may appoint.

F4 SR 1999/150

- 4 ^[F5]the Executive] 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.

F5 SR 1999/150

- 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^[F6] the Executive] 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.

F6 SR 1999/150

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the
Mines Act (Northern Ireland) 1969, PART I. (See end of Document for details)

- 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 sub-paragraphs (a) to (e), to regulate the procedure of the tribunal.
- 8 A person attending as a witness before the tribunal shall be entitled to be paid by^{F7} the Executive] such travelling and other allowances, including compensation for loss of remunerative time, as the Ministry with the approval of the Ministry of Finance^{F8} may determine.

<p>F7 SR 1999/150 F8 functions transf. to D/CS, SR 1976/281</p>
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- 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 court of summary jurisdiction as if the amount ordered to be paid were a sum adjudged to be paid by an order of that court.
- 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;
he shall be guilty of an offence.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969, PART I.