



# Mines and Quarries Act 1954

## 1954 CHAPTER 70 2 and 3 Eliz.2

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]

### Modifications etc. (not altering text)

- C1 Act extended (S.) by [Education \(Scotland\) Act 1962 \(c. 47\), s. 136](#)
- C2 Act amended by [S.I. 1988/1729, regs. 1\(1\), 12\(2\)](#), [1930, regs. 3, 16\(2\)](#), [1989/635, reg. 33\(3\)](#)
- C3 Act except s. 151 amended by [S.I. 1990/1380, regs. 3, 4](#)
- C4 Act except s. 151 saved by virtue of [Health and Safety at Work etc. Act 1974 \(c. 37, SIF 43:3\), s. 53, Sch. and Tay Road Bridge Order Confirmation Act 1991 c. iv Sch. Pt. VII s. 62](#)
- C5 Act except s. 151 saved by virtue of [Health and Safety at Work etc. Act 1974 \(c. 37, SIF 43:3\), s. 53, Schedule and Highland Regional Council \(Harbours\) Order Confirmation Act 1991 \(c. xii\), s. 61\(1\)\(f\)](#)  
The definition of "mine" in this Act applied (30.11.1991) by [Coal Mining Subsidence Act 1991 \(c. 45, SIF 86\), s. 1\(4\)\(b\)](#), (with [s. 37\(4\), Sch. 7](#)); [S.I. 1991/2508, art. 2](#).  
The definition of "mine" in this Act applied (E.W.) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\), ss. 89\(6\), 161\(6\), 225\(2\)](#), (with [ss. 16\(6\), 179, 222\(3\), Sch. 22 para. 1](#))  
The definition of "quarry" in this Act applied (E.W.) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\), ss. 89\(6\), 225\(2\)](#), (with [ss. 16\(6\), 179, 222\(3\), Sch. 22 para. 1](#))

## PART I

### GENERAL DUTIES OF MINE AND QUARRY OWNERS

#### 1 General duties of mine and quarry owners.

- (1) It shall be the duty of the owner of every <sup>F1</sup> . . . quarry to make such financial and other provision and take such other steps as may be necessary to secure—

*Status: Point in time view as at 01/04/1996.*

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- (a) that the <sup>F1</sup> . . . 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 under this Act, orders made thereunder and regulations [<sup>F2</sup>and all requirements or prohibitions imposed by or under the <sup>M1</sup>Health and Safety at Work etc. Act 1974 or health and safety regulations] are, so far as applicable to the <sup>F1</sup> . . . quarry, [<sup>F3</sup>and any closed tip associated with the <sup>F1</sup> . . . 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 <sup>F1</sup> . . . quarry, [<sup>F3</sup>and any closed tip associated with the <sup>F1</sup> . . . 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 <sup>F1</sup> . . . 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 <sup>F1</sup> . . . the manager of the quarry or (where there is more than one manager thereof) each of them.

**Textual Amendments**

- F1** Words in *s. 1* repealed (1.10.1993) by 1993/1897, reg. 42, Sch. 4.
- F2** Words inserted by *S.I. 1974/2013, Sch. 2 para. 1*
- F3** Words inserted by *Mines and Quarries (Tips) Act 1969 (c. 10), Sch. 1 para. 1*

**Marginal Citations**

- M1** 1974 c. 37.

**PART II**

MANAGEMENT AND CONTROL (MINES)

*Managers and Under-managers*

<sup>F4</sup>2 .....

**Textual Amendments**

- F4** *S. 2* repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

<sup>F5</sup>3 .....

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**Textual Amendments**

**F5** S. 3 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

**F6**4 .....

**Textual Amendments**

**F6** S. 4 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

**F7**5 .....

**Textual Amendments**

**F7** S. 5 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

**F8**6 .....

**Textual Amendments**

**F8** S. 6 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

**F9**7 .....

**Textual Amendments**

**F9** S. 7 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

**F10**8 .....

**Textual Amendments**

**F10** S. 8 repealed (1.10.1993) by 1993/1897, reg. 1, 41(1), Sch. 3 Pt. I.

**F11**9 .....

**Textual Amendments**

**F11** S. 9 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

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F12<sup>10</sup> .....

**Textual Amendments**  
F12 S. 10 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

*Surveyors*

F13<sup>11</sup> .....

**Textual Amendments**  
F13 S. 11 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

*Officials and Technicians*

F14<sup>12</sup> .....

**Textual Amendments**  
F14 S. 12 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

F15<sup>13</sup> .....

**Textual Amendments**  
F15 S. 13 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

F16<sup>14</sup> .....

**Textual Amendments**  
F16 S. 14 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

*Provisions ancillary to foregoing Sections*

F17<sup>15</sup> .....

*Status: Point in time view as at 01/04/1996.*

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**Textual Amendments**

**F17** S. 15 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

**F18** **16** .....

**Textual Amendments**

**F18** S. 16 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

*Plans*

**F19** **17** .....

**Textual Amendments**

**F19** S. 17 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

**F20** **18** .....

**Textual Amendments**

**F20** S. 18 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

**19 Faulty plans.**

- (1) If, in the case of any mine, [<sup>F21</sup>the Health and Safety Executive] is satisfied, upon a representation made to [<sup>F21</sup>the Executive] 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, [<sup>F21</sup>the Executive] 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 [<sup>F21</sup>the Health and Safety Executive] thinks fit, shall be recoverable by him from the owner of the mine.

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**Textual Amendments**

**F21** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

**Modifications etc. (not altering text)**

**C6** S. 19 extended (1.10.1993) by 1993/1897, reg.33.

**20** .....

**Modifications etc. (not altering text)**

**C7** S. 20 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

**21** .....<sup>F22</sup>

**Textual Amendments**

**F22** Ss. 4(4), 12(2), 21, 22(4), 26 repealed by S.I. 1974/2013, Sch. 1 Pt. I

**PART III**

**SAFETY, HEALTH AND WELFARE (MINES)**

*Provisions for securing safe Ingress and Egress*

**[<sup>F23</sup>22 Provision of shafts and outlets in coal, &c., mines.**

- (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 [<sup>F24</sup>15 metres] 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—

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- (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 [<sup>F25</sup>the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985]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 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) . . . <sup>F26</sup> 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 . . . <sup>F26</sup> an inspector unless . . . <sup>F26</sup> the inspector, . . . <sup>F26</sup>, is satisfied that no persons employed in the mine will be exposed to undue risk in consequence of the granting of the exemption.

- (4) . . . . . <sup>F27</sup>
- (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.
- (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.]

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#### Textual Amendments

- F23** Ss. 22–25, 33–35 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, **regs. 1(1), 12(1)(a)**
- F24** Words substituted by S.I. 1976/2063, **reg. 3(1), Sch. 1 Pt. II** except as to shafts sunk, or as the case may be, lengths of road made before 1.2.1977
- F25** Words substituted by virtue of S.I. 1985/2023, **reg. 13(1), Sch. 7 Pt. III para. 1(a)**
- F26** Words omitted by virtue of S.I. 1974/2013, **Sch. 2 para. 4**
- F27** Ss. 4(4), 12(2), 21, 22(4), 26 repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

#### [<sup>F28</sup>23 Communications between shafts and outlets in coal, &c., mines.

- (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 [<sup>F29</sup>1.5 metres] and the width of every such communication shall be maintained throughout at not less than [<sup>F29</sup>1.2 metres]:  
Provided that—
- (a) . . . <sup>F30</sup>
  - (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, be notice served on the 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.]

#### Textual Amendments

- F28** Ss. 22–25, 33–35 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, **regs. 1(1), 12(1)(a)**
- F29** Words substituted by S.I. 1976/2063, **Sch. Pt. I**
- F30** S. 23(2)(a) repealed by S.I. 1974/2013, **Sch. 1 Pt. I**



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[<sup>F31</sup>24 **Limitation on number of persons to be employed at coal, &c., mines in places with single exits.**

(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 . . . <sup>F32</sup> 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 . . . <sup>F32</sup> an inspector unless . . . <sup>F32</sup> the inspector, . . . <sup>F32</sup>, 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.]

**Textual Amendments**

**F31** Ss. 22–25, 33–35 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, regs. 1(1), 12(1) (a)

**F32** Words omitted by virtue of S.I. 1974/2013, Sch. 2 para. 4

[<sup>F33</sup>25 **Limitation on number of persons to be employed at coal, &c., mines in shafts and outlets and their insets.**

(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.

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- (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.]

**Textual Amendments**

**F33** Ss. 22–25, 33–35 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, regs. 1(1), 12(1) (a)

26 ..... F34

**Textual Amendments**

**F34** Ss. 4(4), 12(2), 21, 22(4), 26 repealed by S.I. 1974/2013, Sch. 1 Pt. I

27 ..... F35

**Textual Amendments**

**F35** S. 27 repealed by S.I. 1975/1102, Sch. 1

**28 Provision of winding and haulage apparatus.**

- (1) Every <sup>F36</sup> . . . 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 means of ingress and egress shall be provided with apparatus for carrying persons between <sup>F36</sup> . . . 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 <sup>F36</sup> . . . 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 <sup>F36</sup> . . . 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 <sup>F36</sup> . . . outlet in the case of which the relevant distance exceeds [<sup>F37</sup>45 metres] shall be provided with apparatus <sup>F36</sup> . . . ,

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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 <sup>F36</sup> . . . 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, <sup>F36</sup> . . . 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.

**Textual Amendments**

**F36** Words in s. 28(1)(2) repealed (1.4.1993 except in so far as the amending regulations apply to mines of tin or tin ore and 1.1.1996 in so far as they do apply to mines of tin or tin ore), by S.I. 1993/302, regs. 1, 22(1), Sch. 1.

**F37** Words substituted by S.I. 1976/2063, reg. 3(1), Sch. 1 Pt. II except as to shafts sunk, or as the case may be, lengths of road made before 1.2.1977

29 ..... <sup>F38</sup>

**Textual Amendments**

**F38** Ss. 29, 31(3), 32 repealed by S.I. 1974/2013, Sch. 1Pt. I

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

**30 Securing of shafts and staple-pits.**

- (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.

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**Modifications etc. (not altering text)**

**C8** By S.I. 1993/302, **regs. 1, 22(2)**, it is provided (1.4.1993 except in so far as those regulations apply to mines of tin or tin ore and 1.1.1996 in so far as they do apply to mines of tin or tin ore) that s. 30(1) shall cease to have effect in relation to shafts (as defined in reg. 2(1) of those regulations).

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

- F39(1) .....
- F39(2) .....
- (3) ..... F40
- F39(4) .....
- F39(5) .....

**Textual Amendments**

**F39** S. 31(1)(2)(4)(5) repealed (1.4.1993 except in so far as the amending regulations apply to mines of tin or tin ore and 1.1.1996 in so far as they do apply to mines of tin or tin ore), by 1993/302, regs. 1, 22(1), Sch. 1.

**F40** Ss. 29, 31(3), 32 repealed by S.I. 1974/2013, **Sch. 1Pt. I**

**32** ..... F41

**Textual Amendments**

**F41** Ss. 29, 31(3), 32 repealed by S.I. 1974/2013, **Sch. 1Pt. I**

**[<sup>F42</sup>33 Safety precautions with respect to entrances to unfit parts of mines.**

- (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.]

**Textual Amendments**

**F42** Ss. 22–25, 33–35 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, **regs. 1(1), 12(1)(a)**

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[<sup>F43</sup> Roads

**Textual Amendments**

**F43** Ss. 22–25, 33–35 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, regs. 1(1), 12(1) (a)

**34 General provisions with respect to construction and maintenance of roads.**

- (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;
  - (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) ..... <sup>F44</sup>
- (3) References in this section to changes of gradient shall be construed as including references to deviations (whether upwards or downwards) from the horizontal.]

**Textual Amendments**

**F44** Ss. 34(2), 35(2)—(4) repealed by S.I. 1975/1102, Sch. 1

[<sup>F45</sup> **35 Height and width of travelling roads.**

- (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 [<sup>F46</sup>1.7 metres] high throughout:  
Provided that—
- (a) ..... <sup>F47</sup>
  - (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) ..... <sup>F48</sup>]

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

#### Textual Amendments

- F45** Ss. 22–25, 33–35 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, **regs. 1(1), 12(1)(a)**
- F46** Words substituted by S.I. 1976/2063, **reg. 3(1), Sch. 1 Pt. II** except as to shafts sunk, or as the case may be, lengths of road made before 1.2.1977
- F47** S. 35(1)(a) repealed by S.I. 1974/2013, **Sch. 1 Pt. I**
- F48** Ss. 34(2), 35(2)—(4) repealed by S.I. 1975/1102, **Sch. 1**

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

- (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 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.

### 37 Transport rules.

- (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

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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, 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

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effect by virtue of paragraph (a) of subsection (1) of this 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.

38 ..... F49

**Textual Amendments**  
**F49** Ss. 38, 45(2), 47 repealed by S.I. 1974/2013, Sch. 1 Pt. I

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

- (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



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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) . . . . .<sup>F50</sup> 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.
- (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.

**Textual Amendments**

**F50** Words repealed by S.I. 1974/2013, Sch. 1 Pt. I

**40 Provision of refuge holes.**

- (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 [<sup>F51</sup>23 metres] of a working face served by it), at intervals not greater than such as may be prescribed and in the prescribed

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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.

#### **Textual Amendments**

**F51** Words substituted by [S.I. 1976/2063](#), **Sch. Pt. I**

#### **41 Safety measures relating to use of vehicles.**

- (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 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*

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

- (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 . . . <sup>F52</sup>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 . . . <sup>F52</sup>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

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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) . . . <sup>F53</sup>, 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, . . . <sup>F53</sup>

**Textual Amendments**

**F52** Word repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 9(1), 29(4), [Sch. 7 Part II](#)

**F53** Words repealed by [S.I. 1974/2013](#), [Sch. 1 Pt. I](#)

**Modifications etc. (not altering text)**

**C9** By [S.I. 1993/302](#) regs. 1, 22(2), it is provided (1.4.1993 except in so far as those regulations apply to mines of tin or tin ore and 1.1.1996 in so far as they do apply to mines of tin or tin ore) that s. 42 shall cease to have effect in relation to shafts (as defined in reg. 2(1) of those regulations).

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

<sup>F54</sup>(1) . . . . .

(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 . . . <sup>F55</sup> person who has attained the age of eighteen years.

**Textual Amendments**

**F54** [S. 43\(1\)](#) repealed (1.4.1993 except in so far as the amending regulations apply to mines of tin or tin ore and 1.1.1996 in so far as they do apply to mines of tin or tin ore), by 1993/302, regs. 1, 22(1) Sch.1.

**F55** Word repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 9(1), 29(4), [Sch. 7 Part II](#)

**44 Charge of conveyors at working faces.**

No conveyor shall be operated along a working face in a mine except by, or under the constant supervision of, a competent . . . <sup>F56</sup> person who has attained the age of eighteen years.

**Textual Amendments**

**F56** Word repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 9(1), 29(4), [Sch. 7 Part II](#)

*Status: Point in time view as at 01/04/1996.*

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**45 Signalling in shafts and outlets.**

(1) There shall be provided and maintained—

- <sup>F57</sup>(a) .....
- (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 [<sup>F58</sup>15 metres], 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;

... <sup>F59</sup>

(2) ..... <sup>F60</sup>

(3) For the purposes of this section—

- <sup>F57</sup>(a) .....
- (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.

**Textual Amendments**

- F57** S. 45(1)(a)(3)(a) repealed (1.4.1993 except in so far as the amending regulations apply to mines of tin or tin ore and 1.1.1996 in so far as they do apply to mines of tin or tin ore) by [S.I. 1993/302, regs. 1, 22\(1\)](#), [Sch.1](#).
- F58** Words substituted by [S.I. 1976/2063, Sch. Pt. I](#)
- F59** Words repealed by [S.I. 1974/2013, Sch. 1 Pt. I](#)
- F60** Ss. 38, 45(2), 47 repealed by [S.I. 1974/2013, Sch. 1 Pt. I](#)

**46 Signalling in roads.**

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 [<sup>F61</sup>25 metres], 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.

**Textual Amendments**

- F61** Words substituted by [S.I. 1976/2063, Sch. Pt. I](#)

47 ..... <sup>F62</sup>

*Status: Point in time view as at 01/04/1996.*

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**Textual Amendments**

**F62** Ss. 38, 45(2), 47 repealed by S.I. 1974/2013, Sch. 1 Pt. I

*Support*

**48 Duty to secure safety of roads and working places.**

- (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 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 [<sup>F63</sup>section thirty-three of this Act][<sup>F63</sup>regulation 8 of the Mines (Safety of Exit) Regulations 1988], 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.

**Textual Amendments**

**F63** S. 48(1) for “section thirty-three of this Act” there is substituted “regulation 8 of the Mines (Safety of Exit) Regulations 1988” by S.I. 1988/1729, regs. 1(1), 12(3), Sch. para. 1 (the substitution being in force 1.4.1989, partly, and 1.4.1994, fully)

**49 Systematic support in coal, shale and fireclay mines.**

- (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) ..... <sup>F64</sup>
- (3) ..... <sup>F65</sup>
- (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.

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- (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.

**Textual Amendments**  
**F64** S. 49(2) repealed by S.I. 1975/1102, Sch. 1  
**F65** Ss. 49(3), 50 repealed by S.I. 1974/2013, Sch. 1 Pt. I

50 ..... F66

**Textual Amendments**  
**F66** Ss. 49(3), 50 repealed by S.I. 1974/2013, Sch. 1 Pt. I and by S.I. 1999/2463, reg. 18(1)

**51 Supply of materials for support.**

...<sup>F67</sup>, 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) ..... F68

- (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 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.

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#### Textual Amendments

**F67** Words repealed by S.I. 1974/2013, Sch. 1 Pt. I

**F68** S. 51(2) repealed by Wages Act 1986 (c. 48, SIF 43:2), ss. 9(4), 11, 30, 32(2), Sch. 1, Sch. 5 pt. III

### 52 Withdrawal of support.

- (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.

### 53 Duties of deputies in relation to support.

It shall be the duty of every person employed at a mine who is appointed [<sup>F69</sup>to exercise supervision in accordance with regulation 10(2)(a) or to make inspections in accordance with regulation 12(1) of the Management and Administration of Safety and Health at Mines Regulations 1993 (S.I. 1993 No. 1897)] 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.

#### Textual Amendments

**F69** Words in s. 53 substituted (1.10.1993) by 1993/1897, reg. 41(2), Sch. 3 Pt. II.

### 54 Provisions as to support rules.

- (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 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

*Status: Point in time view as at 01/04/1996.*

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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*

#### **55 Duty to provide adequate ventilation.**

- (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;



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- (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.
- (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.

#### **Textual Amendments**

**F70** Words repealed by [S.I. 1974/2013, Sch. 1 Pt. I](#)

### **56 Avoidance of danger from gas in waste.**

- (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.

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57 ..... F71

#### Textual Amendments

F71 S. 57 repealed by S.I. 1975/1102, Sch. 1

#### 58 Provisions as to means of ventilation.

- (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 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.

*Status: Point in time view as at 01/04/1996.*

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## 59 Prevention of leakage of air between airways.

- (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 [<sup>F72</sup>150 metres]), 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.

### Textual Amendments

F72 Words substituted by [S.I. 1976/2063](#), [Sch. Pt. I](#)

<sup>F73</sup>60 .....

### Textual Amendments

F73 [S. 60](#) repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt.I.

## *Lighting, Lamps and Contraband*

## 61 Lighting.

- (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

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects  
for the Mines and Quarries Act 1954. (See end of Document for details)*

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.

## 62 Permitted lights.

- (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) ... <sup>F74</sup>
- (4) ..... <sup>F75</sup>
- (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.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

**Textual Amendments**

**F74** S. 62(3)(c) repealed by S.I. 1975/1102, **Sch. 1**

**F75** S. 62(4) repealed by S.I. 1975/1102, **Sch. 1**

**63** ..... **F76**

**Textual Amendments**

**F76** Ss. 63, 68(1) repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

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

- (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 [<sup>F77</sup>conforming with the provisions of regulation 19(2)(a) to (d) of the Electricity at Work Regulations 1989 or] of a type for the time being approved by [<sup>F78</sup>the Health and Safety Executive]—
  - (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.

**Textual Amendments**

**F77** Words inserted by S.I. 1989/635, reg. 33, **Sch. 2 Part II para. 1(a)**

**F78** Words substituted by virtue of S.I. 1974/2013, **Sch. 2 para. 3**

**65 Offences relating to safety-lamps.**

- (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.

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

- (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

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or cigarette, any pipe or other contrivance for smoking or any match or mechanical lighter, shall be guilty of an offence.

(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.
- (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.

*Status: Point in time view as at 01/04/1996.*

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- (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.

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

- (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.

- 68**
- (1) ..... F79
- (2) ..... F80

**Textual Amendments**

**F79** Ss. 63, 68(1) repealed by S.I. 1974/2013, Sch. 1 Pt. 1

**F80** S. 68(2) repealed by S.I. 1975/1102, Sch. 1

*Blasting Materials and Devices*

**69 Blasting materials and devices.**

- (1) ..... F81
- (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.

**Textual Amendments**

**F81** Ss. 69(1)(2), 70(2)(4), 71, 74(3) repealed by S.I. 1974/2013, Sch. 1 Pt. 1

*Status: Point in time view as at 01/04/1996.*

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**Modifications etc. (not altering text)**

**C10** S. 69(3)(4) excluded (1.4.1993) by S.I. 1993/208, **reg. 40(1)**.

*Fire Precautions and Provisions as to Rescue*

[<sup>F82</sup>70 **Fire precautions in case of workings served by single intake airway.**

(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 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) ..... <sup>F83</sup>

(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) ..... <sup>F83</sup>]

**Textual Amendments**

**F82** S. 70 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, **reg. 12(1)(b)**

**F83** Ss. 69(1)(2), 70(2)(4), 71, 74(3) repealed by S.I. 1974/2013, **Sch. 1 Pt. 1**

71 ..... <sup>F84</sup>

**Textual Amendments**

**F84** Ss. 69(1)(2), 70(2)(4), 71, 74(3) repealed by S.I. 1974/2013, **Sch. 1 Pt. 1**



*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

## 72 Fire-fighting and rescue operations.

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 thereof 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 thereof 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.

### Modifications etc. (not altering text)

- C11 S. 72 repealed except so far as it assigns a meaning to “central rescue stations” by S.I. 1974/2013, Sch. 1 Pt. 1

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

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 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*

## 74 Dust precautions.

- (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.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

- (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 [<sup>F85</sup>the Health and Safety Executive] for the purpose of rendering it harmless.
- (3) ..... F86

**Textual Amendments**  
**F85** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3  
**F86** Ss. 69(1)(2), 70(2)(4), 71, 74(3) repealed by S.I. 1974/2013, Sch. 1 Pt. I

*Precautions against external Dangers to Workings*

75— ..... F87  
77.

**Textual Amendments**  
**F87** Ss. 75–77 repealed by S.I. 1979/318, reg. 7

78 ..... F88

**Textual Amendments**  
**F88** S. 78 repealed by S.I. 1975/1102, Sch. 1

*Duties of Officials and Workmen in Cases of Danger*

**79 Withdrawal of workmen in cases of danger.**

- (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:—

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*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

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- (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 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;

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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.

**[<sup>F89</sup> 80 Duty of workmen to deal with, or report, danger.**

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.]

**Textual Amendments**

**F89** S. 80 repealed (1.10.1993) except for the purposes of s. 115 of this Act, by [S.I. 1993/1897, regs. 1, 41\(1\), Sch. 3 Pt. I](#).

*Machinery and Apparatus*

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

<sup>F90</sup>(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) ..... <sup>F91</sup>

**Textual Amendments**

**F90** S. 81(1) repealed (1.1.1993 partly and 1.1.1997 wholly) by [S.I. 1992/2932, regs. 1\(2\)\(3\), 2, 27\(1\), Sch. 2 Pt.I](#) (with [reg. 27\(2\)](#)).

**F91** Ss. 81(2), 84(2), 91(2), 92, 96, 104, 106, 112(3), 114, 129, 138, 141(1)—(4), 142, 144, 145 repealed by [S.I. 1974/2013, Sch. 1 Pt. I](#)

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**[<sup>F92</sup>82 Fencing of exposed parts of machinery.**

- (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.]

**Textual Amendments**

**F92** S. 82 repealed (1.1.1993 partly and 1.1.1997 wholly) by S.I. 1992/2932, **regs. 1(2)(3)**, 2,27(1), Sch. 2 Pt.I (with reg. 27(2)).

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

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 . . . <sup>F93</sup> an inspector.

**Textual Amendments**

**F93** Words omitted by virtue of S.I. 1974/2013, **Sch. 2 para. 4**

**Modifications etc. (not altering text)**

**C12** S. 83 excluded (1. 1. 1993) by S.I. 1992/3073, **reg. 33(2)(g)**

**84 Air, gas and steam containers.**

- (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) . . . . . <sup>F94</sup>
- (3) [<sup>F95</sup>The Health and Safety Executive] may at any time require any such apparatus as aforesaid at a mine to be examined by a person nominated by [<sup>F95</sup>the Executive] 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 [<sup>F95</sup>the Health and Safety Executive] from the owner of the mine.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

#### **Textual Amendments**

- F94** Ss. 81(2), 84(2), 91(2), 92, 96, 104, 106, 112(3), 114, 129, 138, 141(1)—(4), 142, 144, 145 repealed by S.I. 1974/2013, **Sch. 1 Pt. I**
- F95** Words substituted by virtue of S.I. 1974/2013, **Sch. 2 para. 3**

### **85 Loading of cranes, &c.**

- (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 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.

#### **Modifications etc. (not altering text)**

- C13** S. 85(1) excluded (1. 1. 1993) by S.I. 1992/3073, **reg. 33(2)(g)**

### *Buildings, Structures, Means of Access, &c.*

### **86 Buildings and structures to be kept safe.**

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

### **87 Safe means of access and safe means of employment.**

- (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*

### **[<sup>F96</sup>88 Restriction on doing of work by unskilled persons.**

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

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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.]

#### Textual Amendments

**F96** S. 88 repealed (1.10.1993) except for the purposes of s. 115 of this Act, by S.I. 1993/1897, reg. 41(1), Sch. 3 Pt. I.

#### [<sup>F97</sup>89 Penalization of failure to observe safety directions, &c.

A person employed at a mine who contravenes—

- (a) any transport or support [<sup>F98</sup>or tipping] 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 compliance with this Act, orders made thereunder or regulations or any transport or support [<sup>F98</sup>or tipping] 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.]

#### Textual Amendments

**F97** S. 89 repealed (1.10.1993) except for the purposes of s. 115 of this Act, by S.I. 1993/1897, reg. 41(1), Sch. 3 Pt. I.

**F98** Words inserted by Mines and Quarries (Tips) Act 1969 (c. 10), Sch. 1 para. 3

#### Modifications etc. (not altering text)

**C14** S. 89 amended by Mines and Quarries (Tips) Act 1969 (c. 10), Sch. 1 para. 3

#### [<sup>F99</sup>90 Penalization of negligent acts or omissions and unauthorised removal, &c., of articles.

- (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.]

#### Textual Amendments

**F99** S. 90 repealed (1.10.1993) except for the purposes of s. 115 of this Act, by S.I. 1993/1897, reg. 41(1), Sch. 3 Pt. I.

*Status: Point in time view as at 01/04/1996.*

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*First Aid*

<sup>F100</sup>91 .....

**Textual Amendments**

**F100** S. 91 repealed (1.10.1993) by 1993/1897, reg. 41(1), Sch. 3 Pt. I.

*Medical Examinations and Prohibition of Heavy Work*

92 ..... <sup>F101</sup>

**Textual Amendments**

**F101** Ss. 81(2), 84(2), 91(2), 92, 96, 104, 106, 112(3), 114, 129, 138, 141(1)—(4), 142, 144, 145 repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

<sup>F102</sup>93 .....

**Textual Amendments**

**F102** S. 93 repealed (1. 1. 1993) by S.I. 1992/2793, reg. 8(1), **Sch. 2 Pt.I.**

*General Welfare Provisions*

**94 Sanitary conveniences.**

- (1) It shall be the duty of the manager of every mine to secure the provision thereof (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.

**95 Measures against vermin and insects.**

- (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 . . . <sup>F103</sup>
- (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<sup>M2</sup> Act 1949.



*Status: Point in time view as at 01/04/1996.*

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**Textual Amendments**

**F103** Words repealed by S.I. 1974/2013, Sch. 1 Pt. I

**Marginal Citations**

**M2** 1949 c. 55.

**96** ..... **F104**

**Textual Amendments**

**F104** Ss. 81(2), 84(2), 91(2), 92, 96, 104, 106, 112(3), 114, 129, 138, 141(1)—(4), 142, 144, 145 repealed by S.I. 1974/2013, Sch. 1 Pt. I

**97** **Supply of drinking water.**

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)

**98** **Appointment of quarry managers.**

- (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.

*Status: Point in time view as at 01/04/1996.*

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## 99 General powers and duties of quarry managers.

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 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.

### Modifications etc. (not altering text)

C15 S. 99 extended by [Mines and Quarries \(Tips\) Act 1969 \(c. 10\)](#), [Sch. 1 para. 2](#)

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

- (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.

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

- (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 persons by whom they were given forthwith after the making of a request on 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

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a matter over which 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.

## **102 Temporary appointments during vacancy in office of quarry manager.**

- (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.

### **Modifications etc. (not altering text)**

**C16** Ss. 102(2), 103(2) amended by S.I. 1988/1930, regs. 3, 14

## **103 Supervision by quarry managers.**

- (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 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.

*Status: Point in time view as at 01/04/1996.*

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- (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.

**Modifications etc. (not altering text)**

**C17** Ss. 102(2), 103(2) amended by S.I. 1988/1930, regs. 3, 14

**104** ..... **F105**

**Textual Amendments**

**F105** Ss. 81(2), 84(2), 91(2), 92, 96, 104, 106, 112(3), 114, 129, 138, 141(1)—(4), 142, 144, 145 repealed by S.I. 1974/2013, Sch. 1 Pt. I

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

- (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 [<sup>F106</sup>or health and safety regulations] is entered in a book which by or by virtue of this Act [<sup>F106</sup>or by health and safety regulations which expressly apply to all quarries, any class of quarry to which the quarry belongs or the quarry] 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 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.

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**Textual Amendments**

**F106** Words inserted by S.I. 1974/2013, Sch. 2 para. 5

**106** ..... **F107**

**Textual Amendments**

**F107** Ss. 81(2), 84(2), 91(2), 92, 96, 104, 106, 112(3), 114, 129, 138, 141(1)—(4), 142, 144, 145 repealed by S.I. 1974/2013, Sch. 1 Pt. I

**107 Notification to district inspector of appointments by quarry owners.**

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 [<sup>F108</sup>the Health and Safety Executive], of the making of the appointment and of the name and address of the person appointed.

**Textual Amendments**

**F108** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

**PART V**

**SAFETY, HEALTH AND WELFARE (QUARRIES)**

**108 Provisions for securing safe methods of working.**

- (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) ..... **F109**
  - (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,

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*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

exempt the quarry or such part thereof as may be specified in the notice from that requirement.

#### Textual Amendments

F109 S. 108(2)(a) repealed by S.I. 1974/2013 Sch. 1 Pt. I

### 109 Safe means of access to working places.

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.

### 110 Provisions relating to use of ropeways and vehicles.

- (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.
- (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.

### 111 Lighting.

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.

### 112 Dust precautions.

F110

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

**Textual Amendments**

**F110** S. 112 repealed by S.I. 1988/1657, reg. 19(1), Sch. 8

**113 Withdrawal of workmen in cases of danger.**

- (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, 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.

**114** ..... **F111**

**Textual Amendments**

**F111** Ss. 81(2), 84(2), 91(2), 92, 96, 104, 106, 112(3), 114, 129, 138, 141(1)—(4), 142, 144, 145 repealed by S.I. 1974/2013, Sch. 1 Pt. I

**115 Application of certain provisions of Part III of this Act.**

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

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it relates to transport or support rules), section ninety, . . . <sup>F112</sup> and sections . . . <sup>F113</sup>, <sup>F114</sup> . . . . . <sup>F113</sup> 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 . . . <sup>F112</sup> 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;
- (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”.

**Textual Amendments**

**F112** Words repealed by S.I. 1981/917, reg. 10(1), **Sch. 1**

**F113** Words repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

**F114** Words in s. 115 repealed (1. 1. 1993) by S.I. 1992/2793, reg. 8(1), **Sch. 2 Pt. I**

**Modifications etc. (not altering text)**

**C18** S. 115(a) restricted by *Mines and Quarries (Tips) Act 1969 (c. 10)*, **Sch. 1 para. 3**

## PART VI

### NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND DISEASES

#### *Notification*

**116—** ..... <sup>F115</sup>  
**122.**

**Textual Amendments**

**F115** Pt. VI (ss. 116–122) repealed by S.I. 1980/804, regs. 11, 12, **Sch. 5 Pt. I**

## PART VII

### WORKMEN’S INSPECTIONS

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

- (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—



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- (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 <sup>F116</sup>the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985]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

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*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

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.

(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.

**Textual Amendments**  
**F116** Words substituted by virtue of S.I. 1985/2023, reg. 13, Sch. 7 Pt. III para. 1(b)

**PART VIII**

**EMPLOYMENT OF WOMEN AND YOUNG PERSONS**

*Prohibition of Employment below Ground*

**124 Prohibition of employment below ground in certain cases.**

(1) ..... **F117**

**Textual Amendments**  
**F117** S. 124(1)(2) repealed by Employment Act 1989 (c. 38, SIF 43:1), ss. 9(3), 10(1)(b), 29(4), Sch. 3 Part II, Sch. 7 Parts II and III

*Hours of Work*

**125— Provisions as to hours worked by women and young persons.**

**128.** ..... **F118**

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

**Textual Amendments**

**F118** Ss. 125–128 repealed by [Employment Act 1989 \(c.38, SIF 43:1\)](#), ss. 10(1)(a), 29(4), Sch. 3 Part I, [Sch. 7 Part II](#)

*Special Exceptions*

**129** ..... **F119**

**Textual Amendments**

**F119** Ss. 81(2), 84(2), 91(2), 92, 96, 104, 106, 112(3), 114, 129, 138, 141(1)—(4), 142, 144, 145 repealed by S.I. 1974/2013, [Sch. 1 Pt. I](#)

**130** **Special exception for emergencies.**

..... **F120**

**Textual Amendments**

**F120** S. 130 repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 10(1)(a), 29(4), Sch. 3 Part I, [Sch. 7 Part II](#)

*Miscellaneous Provisions*

**131** **Register of women and young persons employed.**

..... **F121**

**Textual Amendments**

**F121** S. 131 repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), [Sch. 7 Pt. II](#)

**132** **Supplemental.**

..... **F122**

**Textual Amendments**

**F122** S. 132 repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 10(1)(a), 29(4), Sch. 3 Part I, [Sch. 7 Part II](#)

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## PART IX

### RECORDS, RETURNS AND INFORMATION

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

- (1) Every book which, in pursuance of this Act or regulations [<sup>F123</sup>or health and safety regulations which expressly apply to all <sup>F124</sup>. . . quarries, any class of <sup>F124</sup>. . . quarry to which the <sup>F124</sup>. . . quarry belongs or the <sup>F124</sup>. . . quarry] is provided by the owner of a <sup>F124</sup>. . . quarry for the purpose of the entry therein of any report, record or other item of information shall be in such form as [<sup>F125</sup>the Health and Safety Executive] 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 <sup>F124</sup>. . . 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 <sup>F124</sup>. . . quarry.

#### Textual Amendments

**F123** Words inserted by [S.I. 1974/2013, Sch. 2 para. 6](#)

**F124** Words in [s. 133](#) repealed (1.10.1993) by 1993/1897, reg. 42, Sch. 4.

**F125** Words substituted by virtue of [S.I. 1974/2013, Sch. 2 para. 3](#)

#### 134 Records of certain appointments.

Where an appointment is made—

<sup>F126</sup>(a) . . . . .

- (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 <sup>F127</sup>. . . 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 <sup>F127</sup>. . . quarry.

#### Textual Amendments

**F126** [S. 134\(a\)](#) repealed (1.10.1993) by 1993/1897, reg. 42, Sch. 4.

**F127** Words in [s. 134](#) repealed (1.10.1993) by 1993/1897, reg. 42, Sch. 4.

#### 135 Provision of copies of this Act and other instruments.

At all times at which persons are employed at a <sup>F128</sup>. . . quarry there shall be provided thereat or near thereto suitable covered accommodation wherein shall be provided a copy of this Act [<sup>F129</sup>and of Part I of the <sup>M3</sup>Mines and Quarries (Tips) Act 1969][<sup>F130</sup>and

*Status: Point in time view as at 01/04/1996.*

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of the <sup>M4</sup>Health and Safety at Work etc. Act 1974] and of every such instrument as the following which is in force with respect to the <sup>F128</sup>. . . quarry, namely, orders made under this Act, regulations [<sup>F130</sup>health and safety regulations,] transport rules, support rules, [<sup>F129</sup>tipping rules] any notice served under or by virtue of this Act [<sup>F130</sup>or the Health and Safety at Work etc. Act 1974] 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 <sup>F128</sup>. . . quarry shall be entitled to have access to that accommodation for the purpose of inspecting the documents hereby required to be provided therein.

#### Textual Amendments

**F128** Words in s. 135 repealed (1.10.1993) by 1993/1897, reg. 42, Sch.4.

**F129** Words inserted by Mines and Quarries (Tips) Act 1969 (c. 10), Sch. 1 para. 5

**F130** Words inserted by S.I. 1974/2013, Sch. 2 para. 7

#### Modifications etc. (not altering text)

**C19** S. 135 extended by Mines Management Act 1971 (c. 20), s. 3(3)

#### Marginal Citations

**M3** 1969 c. 10.

**M4** 1974 c. 37.

### 136 Posting of notices

(1) At all times at which persons are employed at a <sup>F131</sup>. . . quarry there shall be kept posted thereat—

- (a) a notice of the name of the <sup>F131</sup>. . . 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 <sup>F131</sup>. . . 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;

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 <sup>F131</sup>. . . 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 <sup>F131</sup>. . . quarry

(3) All notices required by this section to be posted at a <sup>F131</sup>. . . 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 [<sup>F132</sup>the Health and Safety Executive] for any such notice, it shall be posted in that form.

#### Textual Amendments

**F131** Words in s. 136 repealed (1.10.1993) by S.I. 1993/1897, regs. 1, 42, Sch.4.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

**F132** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

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

[<sup>F133</sup>The Health and Safety Executive] may [<sup>F133</sup>itself] 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 [<sup>F133</sup>the Executives] opinion affects persons of that class, and such other information (if any) as it appears to [<sup>F133</sup>the Executive] 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.

**Textual Amendments**

**F133** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

**138** ..... <sup>F134</sup>

**Textual Amendments**

**F134** Ss. 81(2), 84(2), 91(2), 92, 96, 104, 106, 112(3), 114, 129, 138, 141(1)—(4), 142, 144, 145 repealed by S.I. 1974/2013, Sch. 1 Pt. I

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

<sup>F135</sup>(1) .....

- (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

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the period of twelve months beginning with that day, it shall not be necessary to give notice of the expiration of that period.

**Textual Amendments**

**F135** S. 139(1) repealed (1.10.1993) by S.I. 1993/1897, reg. 41(1) Sch. 3 Pt. 1.

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

(1) Where a change occurs—

- (a) in the ownership of a <sup>F136</sup> . . . quarry; or
- (b) in the name of a <sup>F136</sup> . . . 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.

**Textual Amendments**

**F136** Words in s. 140 repealed (1.10.1993) by S.I. 1993/1897, reg. 42, Sch. 4.

**PART X**

REGULATIONS

**141 Regulations.**

(1) . . . . . <sup>F137</sup>

(5) In this Act (save where, . . . <sup>F138</sup>, the context otherwise requires) the expression “regulations” means regulations made under this section, [<sup>F139</sup>as originally enacted], 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.

**Textual Amendments**

**F137** Ss. 81(2), 84(2), 91(2), 92, 96, 104, 106, 112(3), 114, 129, 138, 141(1)-(4), 142, 144, 145 repealed by S.I. 1974/2013, Sch. 1 Pt. I

**F138** Words repealed by S.I. 1974/2013, Sch. 1 Pt. I

**F139** Words inserted by S.I. 1974/2013, Sch. 2 para. 8

**142** . . . . . <sup>F140</sup>

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

**Textual Amendments**

**F140** Ss. 81(2), 84(2), 91(2), 92, 96, 104, 106, 112(3), 114, 129, 138, 141(1)—(4), 142, 144, 145 repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

**143 Variation, revocation, &c., of regulations.**

- (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**

**144,145.** ..... <sup>F141</sup>

**Textual Amendments**

**F141** Ss. 81(2), 84(2), 91(2), 92, 96, 104, 106, 112(3), 114, 129, 138, 141(1)—(4), 142, 144, 145 repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

**146** ..... <sup>F142</sup>

**Textual Amendments**

**F142** S. 146 repealed by S.I. 1975/1102, **Sch. 1**

**PART XII**

**GRANT, CANCELLATION AND SUSPENSION OF CERTIFICATES**

<sup>F143</sup>**147** .....

**Textual Amendments**

**F143** S. 147 repealed (1.10.1993) by S.I. 1993/1897, reg. 41(1), **Sch. 3 Pt. I.**

<sup>F144</sup>**148** .....



*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

**Textual Amendments**

**F144** S. 148 repealed (1.10.1993) by S.I. 1993/1897, reg. 141(1), Sch. 3 Pt.I.

<sup>F145</sup>**149** .....

**Textual Amendments**

**F145** S. 149 repealed (1.10.1993) by S.I. 1993/1897, reg. 41(1), Sch. 3 Pt.I.

**150 Cancellation or suspension of certificates.**

- (1) [<sup>F146</sup>On the conviction of an offence under the relevant statutory provisions the holder of a certificate granted by the Health and Safety Executive under or by virtue of this Act or of a certificate of qualification issued under regulation 18 of the Management of Safety and Health at Mines Regulations 1993 (S.I. 1993 No. 1897) (whether issued by the Health and Safety Executive or some other body)], the court by which he is convicted may, on an application for that purpose made on behalf of [<sup>F147</sup>the Health and Safety Executive], 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.
- (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 Health and Safety Executive] 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 Health and Safety Executive] 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.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

- (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 Health and Safety Executive] may at any time, if it is shown to [the Executive] 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.
- (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”.

#### **Textual Amendments**

**F146** Words in s. 150(1) substituted (1.10.1993) by S.I. 1993/1897, reg. 41(2), **Sch. 3 Pt.II.**

**F147** Words substituted by virtue of S.I. 1974/2013, **Sch. 2**, para. 3.

#### **Modifications etc. (not altering text)**

**C20** S. 150(3) restricted (29.3.1993) by 1993 c. 8, s. **26(8)(b)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**

## **PART XIII**

### FENCING OF ABANDONED AND DISUSED MINES AND OF QUARRIES

#### **Modifications etc. (not altering text)**

**C21** Pt. XIII amended (E.W.) by Local Government Act 1972 (c. 70), s. **180(3)**

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

## 151 Fencing of abandoned and disused mines and of quarries.

- (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 [<sup>F148</sup>Part III of the <sup>M5</sup>Environmental Protection Act 1990], 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 [<sup>F149</sup>highway][<sup>F149</sup>road (within the meaning of the Roads (Scotland) Act 1984)]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—
- (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 [<sup>F149</sup>highway][<sup>F149</sup>road (within the meaning of the Roads (Scotland) Act 1984)]or a place of public resort constitutes a danger to members of the public.

- (3) Any expenses incurred, by reason of the operation of [<sup>F150</sup>Part III of the <sup>M6</sup>Environmental Protection Act 1990]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) ..... <sup>F151</sup>

<sup>F152</sup>(5) .....

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

### Textual Amendments

- F148** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15 para. 5(2)**
- F149** [S. 151\(2\)\(b\)](#) in each of paras. (b)(ii) and (c)(ii) for “highway” there is substituted (S.) “road (within the meaning of the [Roads \(Scotland\) Act 1984](#))” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), ss. 128(1), 156(1), **Sch. 9 para. 44**
- F150** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15 para. 5(3)(4)**
- F151** [S. 151\(4\)](#) repealed by [London Government Act 1963 \(c. 33\)](#), **Sch. 18 Pt. II**
- F152** [S. 151\(5\)](#) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

### Modifications etc. (not altering text)

- C22** [S. 151](#) amended by S.I. 1990/1380, **regs. 3, 4**
- C23** [S. 151\(2\)\(3\)](#) extended (E.W.) by [Public Health \(Recurring Nuisances\) Act 1969 \(c. 25\)](#), **s. 4(3)**

### Marginal Citations

- M5** 1990 c. 43
- M6** 1990 c. 43.

## PART XIV

### OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

### Modifications etc. (not altering text)

- C24** [Pt. XIV](#) amended by [Mines and Quarries \(Tips\) Act 1969 \(c. 10\)](#), **Sch. 1 para. 7**; extended by [Mines Management Act 1971 \(c. 20\)](#), **s. 3(2)**

## 152 Offences.

- (1) In the event of a contravention, in relation to a mine, 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 [<sup>F153</sup>the Health and Safety Executive] or an inspector;
  - [<sup>F154</sup>(d) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all mines, any class of mine to which the mine belongs or the mine;]

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

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*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

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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, ever 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 [<sup>F153</sup>the Health and Safety Executive] or an inspector;
  - [<sup>F155</sup>(d) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all quarries, any class of quarry to which the quarry belongs or the quarry.]

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, [<sup>F156</sup>or such a requirement or prohibition as is mentioned in paragraph (d) of that subsection, whereby there is expressly imposed on that person or on persons of a class to which he belongs a duty or requirement or he or persons of a class to which he belongs or all persons are expressly prohibited] 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, [<sup>F156</sup>or such a requirement or prohibition as is mentioned in paragraph (d) of that subsection, whereby there is expressly imposed on that person or on persons of a class to which he belongs a duty or requirement or he or persons of a class to which he belongs or all persons are expressly prohibited]

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

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;
  - [<sup>F157</sup>(c) any requirement or prohibition expressly imposed by or under such health and safety regulations as are mentioned in paragraph (d) of subsections (1) and (2) of this section on the owner of the mine or quarry].

or of a contravention of section three or one hundred and one of this Act.

#### Textual Amendments

**F153** Words substituted by virtue of S.I. 1974/2013, **Sch. 2 para. 3**

**F154** S. 152(1)(d) inserted by S.I. 1974/2013, **Sch. 2 para. 12(a)**

**F155** S. 152(2)(d) inserted by S.I. 1974/2013, **Sch. 2 para. 12(b)**

**F156** Words substituted by S.I. 1974/2013, **Sch. 2 para. 12(c)**

**F157** S. 152(4)(c) inserted by S.I. 1974/2013, **Sch. 2 para. 12 (d)**

#### Modifications etc. (not altering text)

**C25** S. 152 extended by *Mines Management Act 1971 (c. 20)*, s. 1(3)

**C26** S. 152(1)(2) excluded by *Mines and Quarries (Tips) Act 1969 (c. 10)*, s. 3(2)

**C27** S. 152(1) amended by *Mines Management Act 1971 (c. 20)*, s. 2(1)

### 153 Accessories.

Without prejudice to the operation—

- (a) as respects England and Wales, of section eight of the <sup>M7</sup>Accessories and Abettors Act 1861, and [<sup>F158</sup>section 44 of the <sup>M8</sup>Magistrates' Courts Act 1980]; and
- (b) as respects Scotland, of section sixty-one of the <sup>M9</sup>Criminal Procedure (Scotland) Act 1887, and section two of the <sup>M10</sup>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.

#### Textual Amendments

**F158** Words substituted by *Magistrates' Courts Act 1980 (c. 43, SIF 82)*, **Sch. 7 para. 11**

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

#### Marginal Citations

- M7** 1861 c. 94.  
**M8** 1980 c. 43.  
**M9** 1887 c. 35.  
**M10** 1954 c. 48.

#### 154 Supplementary provisions as to offences.

- (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.

#### 155 Penalty for offences for which no express penalty is provided.

- (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 [<sup>F159</sup>two hundred pounds][<sup>F159</sup>level 4 on the standard scale]; and
  - (b) if not, to a fine not exceeding [<sup>F160</sup>twenty pounds][<sup>F160</sup>level 1 on the standard scale];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
  - (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.

#### Textual Amendments

- F159** S. 155(1)(a) for “£200” there is substituted (S.) “level 4 on the standard scale” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. **289F**, 289G, 457A
- F160** S. 155(1)(b) for “£20” there is substituted (S.) “level 1 on the standard scale” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. **289F**, 289G, 457A

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C28** S. 155 repealed except in respect of a contravention of a provision of s. 151(1) by S.I. 1974/2013, Sch. 1 Pt. I

**156 Defence available to person charged with offence not committed personally.**

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;
- <sup>[F161]</sup>(c) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all mines or quarries, any class of mine or quarry or a particular mine or quarry being a requirement expressly imposed on that person or on persons of a class to which, at the time of the contravention, he belonged or a prohibition expressly imposed on him or on persons of such class or on all persons from doing a specified act;]

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.

**Textual Amendments**

**F161** S. 156(c) inserted by S.I. 1974/2013, Sch. 2 para. 13

**157 Persons not to be under liability for contraventions which it was impracticable to avoid or prevent.**

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 <sup>[F162]</sup>the Health and Safety Executive] or an inspector;
- <sup>[F163]</sup>(d) a requirement or prohibition imposed by or under such health and safety regulations as are mentioned in subsection (1)(d) or (2)(d) of section 152 of this Act;]

to prove that it was impracticable to avoid or prevent the contravention.



*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

#### Textual Amendments

**F162** Words substituted by virtue of S.I. 1974/2013, **Sch. 2 para. 3**

**F163** S. 157(d) inserted by S.I. 1974/2013, **Sch. 2 para. 14**

#### Modifications etc. (not altering text)

**C29** S. 157 excluded (1.4.1989 and 1.4.1994) by S.I. 1988/1729, **regs. 1(1)(a)(b), 11**, restricted by S.I. 1988/1930, **regs. 3, 15**, excluded by S.I. 1989/635, **reg. 28**

**C30** S. 157 excluded (1.4.1993 except in so far as those regulations apply to mines of tin or tin ore and 1.1.1996 in so far as they do apply to mines of tin or tin ore) by S.I. 1993/302, **regs. 1, 21**.

**C31** S. 157 restricted (1.10.1993) by S.I. 1993/1897, **reg. 39**.

**C32** S. 157 excluded (1.4.1993) by 1993/208, **reg. 40(2)**.

**C33** S. 157 excluded (1.1.1994) by 1993/2331, **reg. 7**.

S. 157 excluded (26.10.1995) by S.I. 1995/2005, **reg. 9**

S. 157 excluded (28.12.1995) by S.I. 1995/2870, **reg. 29**

S. 157 excluded (1.12.1999) by S.I. 1999/2463, **reg. 16**

<sup>F164</sup>**158** .....

#### Textual Amendments

**F164** S. 158 repealed (1.10.1993) by S.I. 1993/1897, **reg. 41(1), Sch. 3 Pt.I**.

### **159 Liability of owners for breaches of statutory duty by their servants.**

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.

### **160 Liability of parents for unlawful employment of young persons**

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 [<sup>F165</sup>level 1 on the standard scale], unless it appears to the court that the contravention occurred without the consent, connivance or wilful default of the parent.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

**Textual Amendments**

**F165** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

**161** ..... **F166**

**Textual Amendments**

**F166** [Ss. 161, 163\(2\)–\(6\)](#) repealed by [S.I. 1974/2013](#), **Sch. 1 Pt. I**

**162 Removal or defacement of notices, &c.**

If, without reasonable excuse, a person removes, . . . **F167**  
(a) a notice which is for the time being posted at a **F168** . . . 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 [**F169**level 1 on the standard scale].

**Textual Amendments**

**F167** Words repealed by [Criminal Damage Act 1971 \(c. 48\)](#), **Sch. Pt II**  
**F168** Words in [s. 162](#) repealed (1.10.1993) by [S.I. 1993/1897](#), reg. 42, **Sch.4**.  
**F169** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

**163 Prosecution of offences.**

(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) ..... **F170**

**Textual Amendments**

**F170** [Ss. 161, 163\(2\)–\(6\)](#) repealed by [S.I. 1974/2013](#), **Sch. 1 Pt. I**

**Modifications etc. (not altering text)**

**C34** [S. 163\(1\)](#) repealed except in respect of a contravention of a provision of [s. 151\(1\)](#) by [S.I. 1974/2013](#), **Sch. 1 Pt. I**

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

## 164 Restriction on institution of certain proceedings.

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.

### Modifications etc. (not altering text)

C35 S. 164 repealed except in respect of a contravention of a provision of s. 151(1) by S.I. 1974/2013, Sch. 1 Pt. 1

## 165 Duty to report results of proceedings against persons employed at mines or quarries.

- (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.

## 166 Liability of parents for unlawful employment of children.

For the purposes of any proceedings under this Act in respect of the employment of children in contravention of . . . <sup>F171</sup>, [<sup>F172</sup>section one hundred and thirty six of the <sup>M11</sup>Education (Scotland) Act 1962,] or section one of the <sup>M12</sup>Employment of Women, Young Persons and Children Act 1920 (being 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 . . . <sup>F171</sup> the said section seventeen or the said section one, as the case may be.

### Textual Amendments

F171 Words repealed by Education Act 1973 (c. 16), Sch. 2 Pt. I

F172 Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 17(2)

### Marginal Citations

M11 1962 c. 47.

M12 1920 c. 65.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

#### Textual Amendments

**F173** S. 167 repealed by [Criminal Justice Act 1972 \(c. 71\)](#), [Sch. 6 Pt. III](#)

## PART XV

### MISCELLANEOUS AND GENERAL

#### *Supplementary Provisions*

#### <sup>F174</sup>**168 Division of mines.**

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#### Textual Amendments

**F174** S. 168 repealed (1.10.1993) by [S.I. 1993/1897](#), [reg. 41\(1\)](#), [Sch. 3 Pt. I](#).

#### **169 Demarcation of quarries.**

- (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.

#### **170 Provisions as to references upon notices served by inspectors.**

- (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

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*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

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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;
- (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.

(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.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

- (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.

#### 171 Provisions as to knowledge by officials, &c., of Welsh language.

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.

172 .....<sup>F175</sup>

#### Textual Amendments

**F175** Ss.172, 175, 177, 184(2)—(4), (6) repealed by S.I. 1974/2013, Sch. 1 Pt. I

#### 173 Revocation and variation of orders and rules.

Any power conferred by this Act to make a . . .<sup>F176</sup> a 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 . . .<sup>F176</sup> or rule.

#### Textual Amendments

**F176** Words omitted by virtue of S.I. 1974/2013, Sch. 2 para. 15

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

[<sup>F177</sup> **174 †Parliamentary control of orders, rules and regulations.**

- (1) The power conferred by section 170(8)(b) of this Act on the Secretary of State to make rules shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) The provisions of section 50 of the <sup>M13</sup>Health and Safety at Work etc. Act 1974 shall apply to the power mentioned in the preceding paragraph as they apply to a power to make regulations.]

**Textual Amendments**

**F177** S. 174 substituted by [S.I. 1974/2013, Sch. 2 para. 16](#)

**Modifications etc. (not altering text)**

**C36** Unreliable marginal note

**Marginal Citations**

**M13** [1974 c. 37.](#)

**175** ..... <sup>F178</sup>

**Textual Amendments**

**F178** [Ss.172, 175, 177, 184\(2\)—\(4\), \(6\)](#) repealed by [S.I. 1974/2013, Sch. 1 Pt. I](#)

**176 Provisions as to exemptions, &c.**

- (1) Any power conferred by this Act or regulations [<sup>F179</sup>or health and safety regulations which expressly apply to all mines or quarries, any class of mines or quarries or a particular mine or quarry] on [<sup>F180</sup>the Health and Safety Executive] 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 [<sup>F179</sup>or such health and safety regulations] by [<sup>F180</sup>the Health and Safety Executive] or an inspector may (subject to any express provision of this Act or regulations [<sup>F179</sup>or such health and safety regulations]) be without limit of period or limited so as to expire on a specified date unless renewed, and may be absolute or conditional.

**Textual Amendments**

**F179** Words inserted by [S.I. 1974/2013, Sch. 2 para. 17](#)

**F180** Words substituted by virtue of [S.I. 1974/2013, Sch. 2 para. 3](#)

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

177 ..... F181

#### Textual Amendments

F181 Ss.172, 175, 177, 184(2)—(4), (6) repealed by S.I. 1974/2013, Sch. 1 Pt. I

#### 178 Expenses and receipts.

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.

#### 179 Application to the Crown.

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.

#### Modifications etc. (not altering text)

C37 S. 179 extended by Mines Management Act 1971 (c. 20), s. 3(1)

### *Interpretation*

#### 180 Meaning of “mine” and “quarry”.

[<sup>F182</sup>(1) In this Act the expression “mine” means an excavation or system of excavations, including all such excavations to which a common system of ventilation is provided, 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.]

(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



*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

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 [<sup>F183</sup>the Health and Safety Executive] 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 [<sup>F183</sup>the Health and Safety Executive] 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.

#### Textual Amendments

**F182** S. 180(1) substituted (1.10.1993) by S.I. 1993/1897, regs. 1, 41(2), Sch. 3 Pt. II.

**F183** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

#### 181 Meaning of “owner”.

- (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.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

- (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.”

## 182 General interpretation provisions.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

.....<sup>F184</sup>  
“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
- (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 [<sup>F185</sup>the Health and Safety Executive] or an inspector;
- [<sup>F186</sup>(d) a prohibition or requirement imposed by or under health and safety regulations which expressly apply to all mines or quarries, any class of mine or quarry or a particular mine or quarry]

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;

[<sup>F187</sup>“health and safety regulations” has the meaning assigned by section 15(1) of the <sup>M14</sup>Health and Safety at Work etc. Act 1974]

“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;

[<sup>F188</sup>“inspector” means an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 and references in any provision of this Act to the inspector for the district are references as respects a mine or quarry, to the inspector so appointed for carrying into effect the provisions of the Mines and Quarries Acts 1954 to 1971 in the district in which the mine or quarry is situated;]

“legal proceedings” includes arbitration;

“mechanically operated rope haulage apparatus” means rope haulage apparatus worked by a stationary engine;

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*Status: Point in time view as at 01/04/1996.*

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“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 [<sup>F189</sup>the Secretary of State];

“notice” means a notice in writing;

“parent” means a parent [<sup>F190</sup>of a young person or any person who is not a parent of his but who has parental responsibility for him (within the meaning of the Children Act 1989)], 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;

“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 [<sup>F191</sup>or health and safety 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 . . . <sup>F192</sup>, 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;

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

“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.

<sup>F193</sup>(2) . . . . .

(3) For the purposes of this Act—

[<sup>F194</sup>(a) A mine shall be treated as being worked at any time when there are persons at work below ground or plant or equipment is in operation at the mine to maintain the safety of that mine or of any other mine or the operation of driving a shaft or outlet is being undertaken at the mine.]

(b) the working of a quarry shall be deemed to include the operation of removing overburden thereat;

(c) a <sup>F195</sup>. . . 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 <sup>F195</sup>. . . quarry or for the purpose of preventing the flow therefrom into an adjacent <sup>F195</sup>. . . 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.

#### Textual Amendments

**F184** Definition of “bodily injury” repealed by S.I. 1980/804, regs. 11, 12, **Sch. 5 Pt. I**

**F185** Words substituted by virtue of S.I. 1974/2013, **Sch. 2 para. 3**

**F186** Paragraph (d) inserted by S.I. 1974/2013, **Sch. 2 para. 18(a)**

**F187** Definition inserted by S.I. 1974/2013, **Sch. 2 para. 18 (b)**

**F188** Definition substituted by S.I. 1974/2013, **Sch. 2 para. 18 (c)**

**F189** Words substituted by virtue of S.I. 1957/48 (1957 I, p. 1439), 1969/1498, arts. 2(1), 5(6), and 1970/1537, arts. 2(2), 7(4)

**F190** Words in s. 182(1) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5), **Sch. 13 para. 13**; S.I. 1991/828, **art. 3(2)**

**F191** Definition amended by virtue of S.I. 1983/710, **reg. 2** and 1989/635, reg. 33, Sch. 2 Pt. II para. 1(b)

**F192** Words repealed by Transport Act 1962 (c. 46), **Sch. 12 Pt. II**

**F193** S. 182(2) repealed (1.10.1993) by S.I. 1993/1897, reg. 41(1), **Sch. 3 Pt. I**

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*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

- F194** S. 182(3)(a) substituted (1.10.1993) by S.I. 1993/1897, reg. 41(2), **Sch. 3 Pt. II**.  
**F195** Words in s. 182(3)(c) repealed (1.10.1993) by S.I. 1993/1897, regs. 1, 42, **Sch. 4**.

#### Marginal Citations

- M14** 1974 c. 37.

### 183 Application of Act to training mines.

- (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*

### 184 Relationship of Factories Acts and this Act in case of certain premises.

- (1) None of the provisions of the [<sup>F196M15</sup>Factories Act 1961] shall apply to any premises forming part of a <sup>F197</sup> . . . quarry.
- (2) . . . . . <sup>F198</sup>
- <sup>F199</sup>(5) References in subsection (1) . . . <sup>F200</sup> of this section to provisions of the <sup>M16</sup>Factories Act 1961, shall be construed as exclusive of references to section one hundred and twenty-seven (which applies other provisions of that Act to building operations and works of engineering construction) and to the other provisions of that Act in so far as, by virtue of that section, they are applicable to such operations or works; but the said section shall not apply—
- <sup>F201</sup>(a) . . . . .
- (b) to any works of engineering construction undertaken at a mine (whether above or below ground) or at a quarry.]
- (6) . . . . . <sup>F198</sup>
- (7) In this section . . . <sup>F200</sup> references to building operations and works of engineering construction shall be construed in like manner as if they were references contained in the [<sup>F196M16</sup>Factories Act 1961].

#### Textual Amendments

- F196** Words substituted by **Factories Act 1961 (c. 34), s. 174(1)**  
**F197** Words in s. 184 repealed (1.10.1993) by S.I. 1993/1897, reg. 42, **Sch.4**.  
**F198** Ss.172, 175, 177, 184(2)—(4), (6) repealed by S.I. 1974/2013, **Sch. 1 Pt. I**  
**F199** S. 184(5) substituted by **Factories Act 1961 (c. 34), s. 174(1)**  
**F200** Words repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

**F201** S. 184(5)(a) repealed (1.10.1993) by S.I. 1993/1897, reg. 42, **Sch. 4**.

**Marginal Citations**

**M15** 1961 c. 34.

**M16** 1961 c. 34.

*Repeals, Savings, Transitional Provisions, &c.*

**185** ..... **F202**

**Textual Amendments**

**F202** S. 185 repealed by **Wages Act 1986** (c. 48, SIF 43:2), s. 32(2), **Sch. 5 Pt. III**

**186** **Repeal of s. 21 of 16 & 17 Geo. 5. c. 28.**

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.

**Modifications etc. (not altering text)**

**C38** The text of s. 186, 188 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**F203** **187** .....

**Textual Amendments**

**F203** S. 187 repealed (20.11.1993) by **Coal Industry Act 1992** (c. 17), s. 3(3), **Sch. Pt. II**; S.I. 1993/2514, **art.2**.

**188** **Minor and consequential amendments of other enactments.**

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).

**Modifications etc. (not altering text)**

**C39** The text of s. 186, 188 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

189 ..... F204

**Textual Amendments**

**F204** S. 189 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

190 ..... F205

**Textual Amendments**

**F205** S. 190, Schs. 1, 2 repealed by S.I. 1974/2013, Sch. 1 Pt. I

**191 General savings.**

- (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 <sup>M17</sup>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 <sup>M18</sup>said Act of 1911;
  - (d) any rule made under section fifty of the <sup>M19</sup>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 <sup>M20</sup>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.
- (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 <sup>M21</sup>Rating and Valuation (Apportionment) Act 1928.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

- (8) The mention of particular matters in this section shall be without prejudice to the general application of [F206 sections 16(1) and 17(2)(a) of the M22 Interpretation Act 1978] with regard to the effect of repeals.

#### Textual Amendments

**F206** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), **s. 25(2)**

#### Modifications etc. (not altering text)

**C40** [S. 191\(7\)](#) repealed (E.W.) by [Rating and Valuation Act 1961 \(c. 45\)](#), **Sch. 5 Pt. I**

#### Marginal Citations

**M17** 1911 c. 50.  
**M18** 1911 c. 50.  
**M19** 1911 c. 50.  
**M20** 1911 c. 50.  
**M21** 1928 c. 44.  
**M22** 1978 c. 30.

### 192 Saving for persons managing certain small mines at commencement of this Act.

A person who, immediately before the commencement of this Act, is, by virtue of subsection (3) of section two of the M23 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.

#### Marginal Citations

**M23** 1911 c. 50.

### 193 Saving for common law rights of workmen, &c.

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.

### 194 Commencement.

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



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the purposes of this Act and of the application thereto of [<sup>F207</sup>section 13 of the <sup>M24</sup>Interpretation Act 1978] (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 [<sup>F207</sup>section 4 of the said Act of 1978] 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.

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**Textual Amendments**

**F207** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 25\(2\)](#)

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**Modifications etc. (not altering text)**

**C41** [S. 194](#) power of appointment conferred by [s. 194](#) fully exercised: 1.1.1957 appointed by [S.I. 1956/1530](#), [art. 2](#)

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**Marginal Citations**

**M24** [1978 c. 30](#).

**195 Short title and extent.**

- (1) This Act may be cited as the <sup>M25</sup>Mines and Quarries Act 1954.
- (2) This Act shall not extend to Northern Ireland.

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**Marginal Citations**

**M25** [1954. c. 70](#)

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

## SCHEDULES

### F208F208 FIRST AND SECOND SCHEDULES

#### Textual Amendments

**F208** S. 190, Schs. 1, 2 repealed by S.I. 1974/2013, Sch. 1 Pt. 1

F208

### 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 <sup>[F209]</sup>; but no person shall be appointed—
- (a) as the person, or one of the persons, constituting such a tribunal, or
  - (b) as an assessor to assist any such tribunal, after the day on which he attains the age of seventy years.]

#### Textual Amendments

**F209** Sch. 3 para. 1(a)(b) and words added (31.3.1995) by 1993 c. 8, s. 26(10), Sch. 6 para.61, (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, art. 2

#### Modifications etc. (not altering text)

**C42** Sch. 3 para. 1 amended by Tribunals and Inquiries Act 1971 (c. 62), s. 7(4), Sch. 1 para. 16

- 2 <sup>[F210]</sup>The Health and Safety Executive] may pay to the 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.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954. (See end of Document for details)*

#### Textual Amendments

**F210** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

- 3 The inquiry shall be public and shall be held at such place as [<sup>F211</sup>the Health and Safety Executive] may appoint.

#### Textual Amendments

**F211** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

- 4 [<sup>F212</sup>The Health and Safety 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.

#### Textual Amendments

**F212** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

- 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 [<sup>F213</sup>the Health and Safety 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.

#### Textual Amendments

**F213** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

- 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.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects*  
*for the Mines and Quarries Act 1954. (See end of Document for details)*

- 8 A person attending as a witness before the tribunal shall be entitled to be paid by [<sup>F214</sup>the Health and Safety Executive] 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.

#### **Textual Amendments**

**F214** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

- 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.
- 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 [<sup>F215</sup>the Health and Safety Executive] notice

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thereof and shall also send [F215the Executive] the certificate for retention by [F215the Executive].

#### Textual Amendments

**F215** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

- 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 [F216the Health and Safety Executive]:  
Provided that where on an appeal by way of case stated the High Court remits the matter to a magistrates' court or [F217the Crown Court], notice of the order of the court on the remission shall be sent to [F216the Health and Safety Executive] by the magistrates' court or [F217the Crown Court], as the case may be.

#### Textual Amendments

**F216** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

**F217** Words substituted by virtue of Courts Act 1971 (c. 23), Sch. 8 para. 2

- 15 Where a certificate has been sent to [F218the Health and Safety Executive] under paragraph 13 of this Schedule [F218the Executive] 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.

#### Textual Amendments

**F218** Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

- 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;

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- (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.

#### FOURTH SCHEDULE

Section 188.

#### MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

##### Modifications etc. (not altering text)

- C43** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and except as indicated does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### F<sup>F219</sup>F<sup>F219</sup>FIFTH SCHEDULE

##### Textual Amendments

- F219** Sch. 5 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI.

F219

**Status:**

Point in time view as at 01/04/1996.

**Changes to legislation:**

There are currently no known outstanding effects for the Mines and Quarries Act 1954.