



# Mining Industry Act 1926

1926 CHAPTER 28 16 and 17 Geo 5

## PART VI

### MISCELLANEOUS AND GENERAL

#### 23 Facilities to be given to [<sup>F1</sup>United Kingdom Research and Innovation].

- (1) Before any person sinks, for the purpose of searching for or getting any minerals, a shaft or borehole intended to reach a depth of more than [<sup>F2</sup>30.480 metres] below the surface, he shall give to [<sup>F3</sup>United Kingdom Research and Innovation] (hereinafter referred to as “[<sup>F4</sup>UKRI]”) notice in writing of his intention to do so, and any person who for such a purpose sinks any such shaft or borehole shall keep a journal thereof, and shall retain for a period of not less than six months such specimens of the strata passed through as may have been obtained in the course of the sinking thereof, either as cores or fragments, and shall allow [<sup>F4</sup>UKRI], or any officer appointed by them, to have free access at all reasonable times to any such shaft, borehole or core, to inspect and take copies of the journals of such shafts or boreholes, to inspect all specimens so obtained and kept, and to take representative specimens of any such cores.

- (2) If the person sinking any such shaft or borehole as aforesaid gives notice in writing to [<sup>F4</sup>UKRI] requiring them to treat as confidential any copies of journals or specimens so taken by [<sup>F4</sup>UKRI] or by any officer appointed by them, [<sup>F4</sup>UKRI] shall not allow those copies or specimens to be published or shown to any person not being an officer of [<sup>F4</sup>UKRI], except with the consent of the person sinking such shaft or borehole:

Provided that, if at any time [<sup>F4</sup>UKRI] give notice to any person from whom such consent is required that, in their opinion, his consent is unreasonably withheld, then that person may, within three months after such notice is given, appeal to the [<sup>F5</sup>High Court][<sup>F6</sup>Court of Session] but if at the expiration of that period no such appeal has been made, or if after hearing the appeal the [<sup>F5</sup>High Court][<sup>F6</sup>Court of Session] do not make an order restraining them from doing so, [<sup>F4</sup>UKRI] may proceed as if such consent had been given.

- (3) The owner [<sup>F7</sup>... or manager of every mine shall allow [<sup>F4</sup>UKRI] or any officer appointed by them to have free access at all reasonable times to all underground workings, and

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*Changes to legislation: There are currently no known outstanding effects for the Mining Industry Act 1926, Section 23. (See end of Document for details)*

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shall supply to <sup>F4</sup>UKRI] or to any such officer as aforesaid such information and such specimens of seams or strata sunk through or opened out at the mine as may be reasonably required by <sup>F4</sup>UKRI].

(4) If any person sinking any shaft or borehole, or the owner, <sup>F7</sup>... or manager of any mine fails to comply with any obligation imposed on him by the foregoing provisions of this section, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding <sup>F8</sup><sup>F9</sup>level 3 on the standard scale].

<sup>F10</sup>(5) Any officer appointed by <sup>F11</sup>UKRI] shall have the same rights as to the production and inspection of plans, sections and drawings which, by or by virtue of the <sup>M1</sup>Mines and Quarries Act 1954, are required to be kept, as are by that Act conferred on inspectors, and that Act shall apply accordingly.]

<sup>F12</sup>(6) In subsection (1) above, the expression “minerals” includes petroleum within the meaning of Part I of the Petroleum Act 1998.]

#### Textual Amendments

- F1** Words in s. 23 heading substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 2\(a\)](#); S.I. 2018/241, [reg. 2\(t\)](#) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 28)
- F2** Words in s. 23(1) substituted (1.1.1995) by S.I. 1991/2531, [art. 2](#).
- F3** Words in s. 23(1) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 2\(b\)](#); S.I. 2018/241, [reg. 2\(t\)](#) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 28)
- F4** Words in s. 23(1)-(3) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 2\(c\)](#); S.I. 2018/241, [reg. 2\(t\)](#) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 28)
- F5** Words substituted (E.W.) by virtue of [Railway and Canal Commission \(Abolition\) Act 1949 \(c. 11\)](#), [s. 1\(1\)](#)
- F6** Words substituted (S.) by virtue of [Railway and Canal Commission \(Abolition\) Act 1949 \(c. 11\)](#), [s. 1\(1\)](#)
- F7** Words repealed by [Mines and Quarries Act 1954 \(c. 70\)](#), [Sch. 5](#)
- F8** Words substituted by virtue of (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 48, SIF 39:1\)](#), [ss. 289F, 289G](#)
- F9** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)
- F10** S. 23(5) substituted by [Mines and Quarries Act 1954 \(c. 70\)](#), [Sch. 4](#)
- F11** Words in s. 23(5) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 2\(c\)](#); S.I. 2018/241, [reg. 2\(t\)](#) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 28)
- F12** S. 23(6) inserted (15.2.1999) by [1998 c. 17, s. 50](#), [Sch. 4 para. 1](#); S.I. 1999/161, [arts. 2\(1\)](#) (with [Sch. 3 para 5\(1\)](#))

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

- C1** Definition of “minerals” explained by [Petroleum \(Production\) Act 1934 \(c. 36\)](#), [s. 9](#)

#### Marginal Citations

- M1** [1954 c. 70](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Mining Industry Act 1926, Section 23.