

SCHEDULE 3

Regulation 41(1) and (2)

REPEALS AND MODIFICATIONS OF THE 1954 ACT

PART I
REPEALS

Column 1 Provision	Column 2 Description	Column 3 Extent of repeal
Section 2	Appointment, and general duties and powers of, mine managers	The whole section
Section 3	Rights of mine manager with respect to instructions given by or on behalf of the owner	The whole section
Section 4	Qualifications of mine managers	The whole section
Section 5	Limitation on number of mines a person may manage	The whole section
Section 6	Under-managers	The whole section
Section 7	Temporary appointments during vacancy in office of mine manager or under-manager	The whole section
Section 8	Daily supervision of mine managers and under-managers	The whole section
Section 9	Charge of mine when neither manager nor under-manager nor substitute is present	The whole section
Section 10	Duties of mine managers with respect to reading of reports, etc.	The whole section
Section 11	Surveyors	The whole section
Section 12	Deputies	The whole section
Section 13	Other officials, engineers, technicians, etc.	The whole section
Section 14	Duties of the mine manager to ensure that persons appointed by him understand their duties	The whole section
Section 15	Notification to district inspector of appointments by mine owners	The whole section

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Column 1 Provision	Column 2 Description	Column 3 Extent of repeal
Section 16	Disqualification of contractors and their employees for appointment as managers, etc., of mines	The whole section
Section 17	Keeping of plans	The whole section
Section 18	Furnishing of documents and information requisite for preparation of plans	The whole section
Section 20	Transmission to inspector, and preservation of, plans of abandoned or disused mines, seams and veins	The whole section
Section 60	Provision of barometers and other measuring instruments	The whole section
Section 80	Duty of workmen to deal with, or report, danger	The whole section except for the purposes of section 115 of the 1954 Act (application to quarries)
Section 88	Restriction on doing of work by unskilled persons	The whole section except for the purposes of section 115 of the 1954 Act (application to quarries)
Section 89	Penalisation of failure to observe safety directions, etc.	The whole section except for the purposes of section 115 of the 1954 Act (application to quarries)
Section 90	Penalisation of negligent acts or omissions and unauthorised removal, etc. of articles	The whole section except for the purposes of section 115 of the 1954 Act (application to quarries)
Section 91	First aid	The whole section
Section 139	Notification of beginning and ending of certain mining and quarrying operations	Subsection (1)
Section 147	Grant of certificates	The whole section
Section 148	The Mining Qualifications Board	The whole section
Section 149	Qualifications for grant of certificates	The whole section
Section 158	Special defence available to mine under-managers with limited jurisdiction	The whole section
Section 168	Division of mines	The whole section

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Column 1 Provision	Column 2 Description	Column 3 Extent of repeal
Section 182	General interpretation of provisions	Subsection (2)

PART II MODIFICATIONS

Column 1 Provision	Column 2 Extent of modification
Section 53	For the words from “for the purpose of fulfilling” to the words “subsection (1) of section 12 of this Act” substitute the words “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)”.
Section 150	In subsection (1), from the beginning to the words “or by virtue of this Act” substitute the words “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)”.
Section 180	For subsection (1) substitute the following subsection— “(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.”.
Section 182	For paragraph (a) of subsection (3) substitute the following subsection— “(a) A mine shall be treated as being worked at any time when there are persons at work below ground or

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Column 1 Provision	Column 2 Extent of modification
	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.”.