



# Mines Act (Northern Ireland) 1969

## 1969 CHAPTER 6

### PART XIII

#### MISCELLANEOUS AND GENERAL

##### SUPPLEMENTARY PROVISIONS

#### 145 Division of mines.

- (1) Where two or more parts of a mine are worked separately, then, if the owner of the mine by notice served on<sup>[F1 the Executive]</sup> so requires, each such part shall, until the notice is withdrawn by a subsequent notice served by the owner on<sup>[F1 the Executive]</sup>, be treated for the purposes of this Act as a separate mine; but where the parts of a mine worked separately, or any of them, have a common system of ventilation or any part of a system of ventilation in common, a notice under this subsection requiring that each part of the mine that is worked separately shall be treated as a separate mine shall be of no effect unless it is approved by<sup>[F1 the Executive]</sup> by notice served on the owner of the mine.
- (2) A notice under subsection (1) requiring that each part of a mine worked separately shall be treated as a separate mine shall be of no effect unless it specifies the points of separation of all roads connecting the parts of the mine that are worked separately.
- (3) If an inspector reports to<sup>[F1 the Executive]</sup> that he is of opinion with respect to a mine whereof parts are, by virtue of this section, for the time being treated for the purposes of this Act as separate mines, that the division of the mine prejudices or is likely to prejudice the safety or health of the persons employed thereat (or any of them),<sup>[F1 the Executive]</sup> may serve on the owner of the mine a notice directing that subsection (1) shall cease to apply to the mine.

The provisions of this Part with respect to references upon notices served by<sup>[F1 the Executive]</sup> shall apply to a notice served under this subsection.

*Status: Point in time view as at 01/01/2006.*

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

F1 SR 1999/150

#### 146 Provisions as to references upon notices served by the Ministry.

- (1) The following provisions of this section shall apply in relation to any notice served under any provision of this Act or regulations by<sup>[F2</sup> the Executive] on the owner or manager of a mine, being a notice which is expressly declared to be one to which the provisions of this Part with respect to references upon notices served by<sup>[F2</sup> the Executive] 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<sup>[F2</sup> the Executive] demands a reference upon the notice, it shall stand referred to such person or persons as may, at the request of<sup>[F2</sup> the Executive], be nominated by the Lord Chief Justice after consultation, if the Lord Chief Justice thinks fit, with the President of the Institution of Mining Engineers.
- (3) Where a referee nominated under subsection (2) is of the opinion that he requires the assistance of one or more than one person possessing special knowledge or qualifications, he may, after consultation with the Lord Chief Justice and also, in a case where the assistance required is that of a person having special knowledge of or qualifications with respect to matters relating to mines, after consultation with the President of the Institution of Mining Engineers, appoint such a person or persons to sit with him on the hearing of the reference and act as an assessor or assessors.
- (4) 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 that person thinks fit, that is to say:—
  - (a) any person on whom the notice was served;
  - (b) <sup>[F2</sup>the Executive];
  - (c) an inspector;
  - (d) any association or body representative of a majority of the total number of persons employed at the mine to which the notice relates;
  - (e) 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.
- (5) 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.

- (6) For the purposes of subsection (5)—

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- (a) in the case of any such notice served under a provision of this Act (other than section 145(3)), 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 section 145(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.
- (7) 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.
- (8) The quashing under this section of any such notice shall neither be taken to prevent the service by<sup>F2</sup> the Executive] of a fresh notice nor, if the notice became operative before it was quashed, affect the previous operation thereof.
- (9) The Ministry may make rules for regulating references under this section and, in particular, for making provision with respect to the costs of such references (including the payment of remuneration and allowances to referees or assessors) and for specifying the form of a counter-notice under subsection (2) and the period within which such a notice must be served.

F2 SR 1999/150

*S.147 rep. by SLR 1976*

#### **148 Parliamentary control of orders, rules and regulations.**

- (1) All orders, rules and regulations made by the Ministry under this Act (other than an order made under section 106(3) or expressed to relate only to a particular mine, or regulations made under section 120(3) or 128(1) or special regulations) shall be subject to negative resolution.
- (2) Orders made under section 106(3) and regulations made under section 120(3) or 128(1) shall be subject to affirmative resolution.

#### **149 Mode of service of notices under this Act.**

- (1) In addition to any method of service permitted by section 24 of the Interpretation Act (Northern Ireland) 1954, a notice required ...<sup>F3</sup> by [<sup>F4</sup> section 35(1)( b)] ...<sup>F3</sup> of this Act to be served on the owner of a mine may be served—

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- (a) where the owner is an individual by leaving it at the office at the mine or by sending it by registered post or the recorded delivery service addressed to him at the proper postal address of the mine;
  - (b) where the owner is a firm, by delivering it to any partner of the firm or by leaving it at, or sending it by registered post or the recorded delivery service to, the office of the firm.
- (2) A notice required ...<sup>F3</sup> by [<sup>F4</sup> section 35(1)( b)] ...<sup>F3</sup> of this Act to be served on the manager of a mine may be served by delivering it to him, by leaving it at the office at the mine or by sending it by registered post or the recorded delivery service addressed to him at the proper postal address of the mine.
- (3) The provisions of the said section 24 and the foregoing provisions of this section shall apply to the giving of a notice, or the sending or lodging of any document, as they apply to the service of a notice.

**F3** SR 1980/333

**F4** SR 1980/333

#### **150 Provisions as to exemptions, &c.**

- (1) Any power conferred by this Act or regulations [<sup>F5</sup> or health and safety regulations which expressly apply to all mines, any class of mine or a particular mine] on [<sup>F6</sup> the 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>F5</sup> or such health and safety regulations] by [<sup>F6</sup> the Executive], or by an inspector exercising any function conferred on him under section 120(3), may (subject to any express provision of this Act or regulations [<sup>F5</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.

**F5** SR 1980/333

**F6** SR 1999/150

#### **151 Articles certified or approved in Great Britain.**

An article of a type for the time being certified or approved by the Minister of Power<sup>F7</sup> for the purposes of the Mines and Quarries Act 1954<sup>M1</sup> or regulations made thereunder shall be treated as certified or approved by [<sup>F8</sup> the Executive] for the purposes of this Act or, as the case may be, regulations, unless [<sup>F8</sup> the Executive], by notice published in the Belfast Gazette and otherwise brought to the notice of persons concerned in such manner as [<sup>F8</sup> the Executive] thinks fit, directs that it shall not be so treated.

**F7** Now S of S, SI 1969/1498; 1970/1537; 1974/692

**F8** SR 1999/150

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

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

#### Marginal Citations

M1 1954 c. 70

*S.152 rep. by SR 1980/333*

*S.153 rep. by SLR 1976*

*S.154 rep. by SR 1980/333*

#### 155 Application to the Crown.

This Act shall be binding on the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

### INTERPRETATION

#### 156 Meaning of “mine”.

- (1) In this Act the expression “mine” means an excavation or system of excavations 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) For the purposes of this Act there shall, subject to subsection (3) and section 160(1), 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.
- (3) For the purposes of this Act there shall not be deemed to form part of a mine premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine 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, being premises exclusively occupied by the owner of that mine, shall be deemed to form part of that mine and premises for the time being used for depositing refuse from two or more mines, being premises occupied by the owner of one of those mines (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 as<sup>F9</sup> the Executive] may direct.
- (5) For the purposes of this Act a railway line serving a single mine (not being a railway line falling within subsection (2) or a railway line belonging to a railway company) shall be deemed to form part of that mine and a railway line jointly serving two or more mines (not being a railway line falling within subsection (2) or a railway line belonging to a railway company) shall be deemed to form part of such one of them as<sup>F9</sup> the Executive] may direct.

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- (6) For the purposes of this Act a conveyor or aerial ropeway provided for the removal from a mine of minerals gotten therefrom or refuse therefrom shall be deemed to form part of the mine.

F9 SR 1999/150
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### 157 Meaning of “owner”.

- (1) Subject to the provisions of this section, in this Act the expression “owner” means, in relation to a mine, the person for the time being entitled to work it.
- (2) 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 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.

### 158 General interpretation provisions.

- (1) In this Act—

*Definition rep. by SR 1981/339*

[<sup>F10</sup> “central rescue station” means a station providing facilities common to a number of mines for the conduct of fire-fighting and rescue operations;]

“contravention” includes, in relation to—

- (a) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by [<sup>F11</sup> the Executive] or an inspector; or
- (b) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by [<sup>F11</sup> the Executive] or by an inspector exercising any function conferred on him under section 120(3); [<sup>F12</sup> or
- (c) a prohibition or requirement imposed by or under health and safety regulations which expressly apply to all mines, any class of mine or a particular mine;]

a failure to comply with the direction, prohibition, restriction, requirement or condition, and the expression “contravene” shall be construed accordingly;

[<sup>F11</sup> “the Department” means the Department of Economic Development]

“doctor” means a fully registered person within the meaning of [<sup>F13</sup> section 55 of the Medical Act 1983];

[<sup>F11</sup> “the Executive” means the Health and Safety Executive for Northern Ireland]

“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>F12</sup> “health and safety regulations” has the meaning assigned to it by Article 17(1) of the Health and Safety at Work (Northern Ireland) Order 1978 ;]

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“inset” means, in relation to 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>F10</sup> “inspector” means an inspector appointed by [<sup>F11</sup> the Executive] under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978 for carrying into effect the provisions of the Act of 1969;]

“legal proceedings” includes arbitration;

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

“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;

*Definition rep. by SR 1999/150*

“notice” means a notice in writing;

“parent” means a parent [<sup>F14</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 (Northern Ireland) Order 1995)], and includes, in relation to any young person, a person having direct benefit from his wages;

“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>F15</sup> or health and safety regulations];

“prescribed” has the meaning assigned to it by section 120(5);

“railway company” means any person working a railway that is used for the purposes of public traffic, whether passenger, goods or other traffic;

“regulations”, “general regulations” and “special regulations” have, subject to subsection (5) of section 120 the meanings respectively assigned to them by that subsection;

“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” means a shaft connecting two or more levels of underground working and not connecting any such level directly to the surface, and includes a winze;

“statutory responsibilities” means responsibilities under this Act, orders made thereunder and regulations;

“support rules” has the meaning assigned to it by section 54(1);

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“transport rules” has the meaning assigned to it by section 37(1);  
 “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;  
 “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 years;  
 “young person” means a person who is over compulsory school age but has not attained the age of eighteen years.

- (2) For the purposes of this Act mine workings having a common system of ventilation, or any part of a system of ventilation in common, shall be deemed to form part of the same mine.
- (3) For the purposes of this Act—
- (a) the working of a mine shall be deemed to include the operation of driving a shaft or outlet therefor;
  - (b) a mine shall be deemed to be worked notwithstanding that the only operations carried on thereat are operations carried on with a view to abandoning the mine or for the purpose of removing, or of preventing the flow therefrom 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.

<b>F10</b>	SR 1980/333
<b>F11</b>	SR 1999/150
<b>F12</b>	SR 1980/333
<b>F13</b>	<a href="#">1983 c. 54</a>
<b>F14</b>	<a href="#">1995 NI 2</a>
<b>F15</b>	SR 1991/13

## **159 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 section 156(1) 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 Ministry 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.



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RELATIONSHIP OF THE OFFICE AND SHOP PREMISES ACT (NORTHERN IRELAND) 1966 AND THIS ACT IN CASE OF CERTAIN PREMISES

**160 Office and Shop Premises Act to continue to apply to colliery storage premises until appointed day.**

- (1) Until such day as the Minister of Commerce<sup>F16</sup> . . . may by order<sup>F16</sup> appoints] the Office and Shop Premises Act (Northern Ireland) 1966<sup>M2</sup> shall continue to apply to colliery storage premises, and accordingly, for the purposes of any provision of this Act which corresponds to a provision of the said Act of 1966, section 156(2) shall have effect as if any reference therein to so much of the surface as is occupied together with a mine for the purpose of, or in connection with, the storage of the minerals or products thereof gotten from the mine did not include a reference to colliery storage premises.
- (2) In subsection (1) “colliery storage premises” means fuel storage premises (within the meaning of the said Act of 1966) which form part of premises which, for the purposes of this Act, form part of a mine.
- (3) As from the day appointed under subsection (1), section 1(3) of the said Act of 1966 shall have effect as if—
- (a) in paragraph (a)(v) thereof, after the words “dock storage premises” , there were inserted the words “ or colliery storage premises ” ; and
  - (b) after paragraph (d) there were inserted the following paragraph:—
    - “(e) colliery storage premises' means fuel storage premises which form part of premises which, for the purposes of the enactments for the regulation of mines, form part of a mine, other than premises where persons are regularly employed to work by a person other than the owner (as defined by those enactments) of the mine.” .

**F16** 1982 NI 11

**Marginal Citations**

**M2** 1966 c. 26

GENERAL

*S. 161 rep. by 1995 NI 12*

*S.162, with Schedule 4, effects amendments; Subs. (1) rep. by 1983 NI 4*

*S.163, with Schedule 5, effects repeals*

*S.164 rep. by SLR 1976; SR 1980/333*

**165 General savings.**

- (1) Nothing in this Act shall affect—
- (a) any special regulation made under an enactment repealed by this Act;

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- (b) 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 Coal Mines Act 1911 ;
- (c) any rule made under section 50 of the said Act of 1911; or
- (d) 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) 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.
- (3) Any inquiry or formal investigation under section 11 or 83 of the 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.

*Subs.(4) rep. by 1972 NI 16*

**166 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 2 of the 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 subsection (2)( b) or subsection (3) of section 4, notwithstanding that he does not possess the qualifications required by this Act for appointment as manager thereof.

**167 Saving for common law rights of workmen, &c.**

No provisions of this Act, or any order made thereunder or of regulations shall be construed as derogating from any rule of law with respect to the duties owed by employers to their employees (including, in particular, but without prejudice to the generality of the foregoing words, the duty to provide a safe system of working), and section 1 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.

**168 Commencement.**

*Commencement*

**169 Short title.**

This Act may be cited as the Mines Act (Northern Ireland) 1969.

**Status:**

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

**Changes to legislation:**

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