Mines Act (Northern Ireland) 1969

1969 CHAPTER 6

PART XIII

MISCELLANEOUS AND GENERAL

SUPPLEMENTARY PROVISIONS

[F1]145 Division of mines.

. . . . . .

F1 S. 145 repealed (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 3**

[F2]146 Provisions as to references upon notices served by the Ministry.

. . . . . .

F2 S. 146 repealed (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 3**

S.147 rep. by SLR 1976

[F3]148 Parliamentary control of orders, rules and regulations.

. . . . . .

F3 S. 148 repealed (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 3**

[F4]149 Mode of service of notices under this Act.

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F4 S. 149 repealed (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 3**

150 Provisions as to exemptions, &c.

(1) Any power conferred by this Act or regulations [[F5] or health and safety regulations which expressly apply to all mines, any class of mine or a particular mine] on**[**[F6] 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 [[F5] or such health and safety regulations] by**[**[F6] 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 [[F5] 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[F7] for the purposes of the Mines and Quarries Act 1954 [M1] or regulations made thereunder shall be treated as certified or approved by**[**[F8] the Executive**]** for the purposes of this Act or, as the case may be, regulations, unless**[**[F8] the Executive**]**, by notice published in the Belfast Gazette and otherwise brought to the notice of persons concerned in such manner as**[**[F8] 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

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.

Status: *Point in time view as at 01/02/2017.*
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)*

INTERPRETATION

[F9 156 Meaning of "mine"

(1) This section defines "mine" for the purposes of this Act.

(2) "Mine" means an excavation or system of excavations (including all excavations to which a common system of ventilation is provided) made for the purpose of, or in connection with, the extraction, wholly or substantially by means involving persons working below ground, of—

(a) minerals (in their natural state or in solution or suspension), or

(b) mineral products.

(3) A mine is deemed to include so much of the surface (including buildings, structures or works on it) surrounding or adjacent to the shafts or outlets of the mine as is occupied with the mine for the purpose of, or in connection with—

(a) working the mine,

(b) the storage, treatment or preparation for sale, consumption or use of minerals or mineral products extracted from the mine, or

(c) the removal from the mine of minerals or mineral products extracted from it or of refuse from it.

(4) But a mine is not deemed to include premises in which a manufacturing process is carried on for a purpose other than—

(a) working the mine, or

(b) the preparation for sale of minerals extracted from the mine.

(5) Premises used to deposit refuse from a single mine and occupied exclusively by the owner of the mine are deemed to form part of the mine.

(6) Premises used to deposit refuse from two or more mines and occupied by the owner of one of the mines (either exclusively or jointly with the owner of the other or any of the others) are deemed to form part of whichever of the mines the Executive directs.

(7) A railway line serving one or more mines, other than a line falling within subsection (3) or belonging to a railway company, is deemed to form part of the mine or (if more than one) of whichever of the mines the Executive directs.

(8) A conveyor or aerial ropeway provided for the removal from a mine of minerals extracted from it, or of refuse from it, is deemed to form part of the mine.**]**

F9 S. 156 substituted (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 5 para. 1(a)**

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

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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

[F10 "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**[**F11 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**[**F11 the Executive**]** or by an inspector exercising any function conferred on him under section 120(3); [F12 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;

[F11"the Department" means the Department of Economic Development**]**

"doctor" means a fully registered person within the meaning of**[**F13 section 55 of the Medical Act 1983**]**;

[F11"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;

[F12 "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 ;]

"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;

[F10 "inspector" means an inspector appointed by**[**F11 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;

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"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**[**F14 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**[**F15 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);

"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.

F16(2) . . . . . .

(3) For the purposes of this Act—

⌊F17(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.⌋

F18(b) . . . . . .

(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.

F10 SR 1980/333
F11 SR 1999/150
F12 SR 1980/333
F13 1983 c. 54
F14 1995 NI 2
F15 SR 1991/13
F16 S. 158(2) repealed (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 3**
F17 S. 158(3)(a) substituted (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 5 para. 1(b)**
F18 S. 158(3)(b) repealed (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 3**

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.

Relationship of the Office and Shop Premises Act (Northern Ireland) 1966 and this Act in case of certain premises

F19160 Office and Shop Premises Act to continue to apply to colliery storage premises until appointed day.

. . . . . .

F19 S. 160 repealed (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 3**

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;

(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.

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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.

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