



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if the owner of the mine by notice served on^[F1 the Executive] so requires, each such part shall, until the notice is withdrawn by a subsequent notice served by the owner on^[F1 the Executive], be treated for the purposes of this Act as a separate mine; but where the parts of a mine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^[F1 the Executive] 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^[F1 the Executive] 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),^[F1 the Executive] 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^[F1 the Executive] 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Status: Point in time view as at 01/01/2006.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. (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^{[F2} 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^{[F2} 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^{[F2} the Executive] demands a reference upon the notice, it shall stand referred to such person or persons as may, at the request of^{[F2} 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) ^{[F2}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^[F2] 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 ...^{F3} by [^{F4} section 35(1)(b)] ...^{F3} 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 ...^{F3} by [^{F4} section 35(1)(b)] ...^{F3} 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 [^{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

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. (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.

Status:

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Changes to legislation:

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