

## SCHEDULES

### SCHEDULE 3

#### INQUIRIES INTO FITNESS OF HOLDERS OF CERTIFICATES AND DELIVERY UP AND CUSTODY OF CERTIFICATES IN CONNECTION WITH PROSECUTIONS AND INQUIRIES

##### PART II

##### DELIVERY UP AND CUSTODY OF CERTIFICATES IN CONNECTION WITH PROSECUTIONS AND INQUIRIES

- 11 The holder of any such certificate as is mentioned in section 127 may, after notice of intention to make an application under subsection (1) of that section has been duly served on him, be required by the court dealing with a complaint or trying an indictment for an offence alleged to have been committed by him, or may be required by a tribunal making inquiry under that section, to deliver up his certificate to the court or, as the case may be, the tribunal at the hearing.
- 12 A certificate so delivered up may be retained by the court or tribunal until the conclusion of the proceedings, except that a certificate delivered up to the court shall be returned to the holder thereof on his making an election under section 127(2)(b).
- 13 Where the court or tribunal cancels or suspends a certificate it shall, at the conclusion of the proceedings, send<sup>[F1]</sup> the Executive] notice thereof and shall also send<sup>[F1]</sup> the Executive] the certificate for retention by it.

**F1** SR 1999/150

- 14 Where on an appeal (whether by way of case stated or otherwise) the conviction of the holder of the certificate is quashed or the cancellation or suspension thereof is quashed or varied, the solicitor for the prosecution shall send notice thereof to<sup>[F2]</sup> the Executive]; and where on an appeal by way of case stated the Court of Appeal remits the matter to a court of summary jurisdiction or a county court, notice of the order of the court on the remission shall be sent to<sup>[F2]</sup> the Executive] by the court of summary jurisdiction or county court, as the case may be.

**F2** SR 1999/150

- 15 Where a certificate has been sent to<sup>[F3]</sup> the Executive] under paragraph 13,<sup>[F3]</sup> the Executive] shall—
- (a) on receipt of a notice that the conviction of the holder thereof, or the cancellation or suspension thereof, has been quashed; or
  - (b) on the expiration of any period for which the certificate stands suspended (whether after conviction or appeal);

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*Status: Point in time view as at 01/01/2006.*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 II. (See end of Document for details)*

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return the certificate to the holder.

<b>F3</b> SR 1999/150
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16 For the purposes of this Part, the bringing of proceedings before the High Court to quash a conviction by order of certiorari shall be deemed to be an appeal.

**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 II.