



Mines Act (Northern Ireland) 1969

1969 CHAPTER 6

PART II

MANAGEMENT AND CONTROL

MANAGERS AND UNDER-MANAGERS

2 Appointment, and general duties and powers, of mine managers.

- (1) Subject to the following provisions of this Act, no mine shall be worked unless there is a sole manager of the mine, being an individual duly appointed and having such qualifications, if any, as are required by or by virtue of the said provisions.
- (2) The manager of a mine shall have the management and control of the mine, exercisable subject to any instructions given to him by or on behalf of the owner thereof, and shall also—
 - (a) have the duty of securing the discharge by all others of obligations imposed on them with respect to the mine by or by virtue of the following provisions of this Act; and
 - (b) have such duties with respect to the appointment of persons to carry out inspections of the mine and to be in charge of, or to supervise or conduct, operations thereat, and such other duties, and such powers, as are imposed or conferred on him by or by virtue of the following provisions of this Act.
- (3) The manager of a mine shall be appointed by the owner thereof who, if an individual, may appoint himself subject, in the case of a mine whereof the manager is by or by virtue of the following provisions of this Act required to hold qualifications for his office, to the possession by the owner of those qualifications.

Status: Point in time view as at 01/01/2006.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

3 Rights of mine manager with respect to instructions given by or on behalf of owner.

- (1) Any instructions given to the manager of a mine by or on behalf of the owner thereof, being instructions affecting the fulfilment, in relation to the mine, by the manager of statutory responsibilities of his, shall, so far as they are not written, be confirmed in writing by the person by whom they were given forthwith after the making of a request in that behalf by the manager.
- (2) Except in a case of emergency, neither the owner of a mine nor a person acting on his behalf shall, except with the consent of the manager of the mine, give, otherwise than through the manager, any instructions to a person employed at the mine who is responsible to the manager; and where the owner of a mine or a person acting on his behalf gives, in either of the said excepted cases, instructions which, apart from the exception, would be required to be given through the manager of the mine, the person who gave the instructions shall, forthwith after he has given them, inform the manager of the substance thereof and, if requested so to do by the manager, confirm them in writing forthwith after the making of the request.

The foregoing provisions of this subsection shall not apply to any instructions given by an under-manager of a mine or a person appointed by the manager of a mine in pursuance of this Act or regulations.

- (3) Where, in the case of a mine whereof the manager is by or by virtue of the following provisions of this Act required to hold qualifications for his office, instructions are given by or on behalf of the owner of the mine to the manager of the mine, an under-manager thereof or a person appointed by the manager in pursuance of this Act or regulations, then, if the manager is of opinion that the execution of the instructions would or might be likely to prejudice the safety or health of the persons employed at the mine (or any of them) or to impede him in the discharge, in relation to the mine, of any duty imposed on him by or by virtue of this Act, he may,—
 - (a) in a case where the instructions are given to him, decline to execute them until they are confirmed in writing by a person qualified for appointment as manager of the mine who is authorised in writing by the owner of the mine to confirm instructions given as aforesaid;
 - (b) in any other case, direct that the instructions be not executed until they are so confirmed by such a person.

The foregoing provisions of this subsection shall not apply to instructions given by an owner of a mine who is an individual or by such a person as is mentioned in paragraph (a).

- (4) Where, in the case of such a mine as is mentioned in subsection (3), instructions are given and confirmed as therein mentioned, the document by which they are confirmed shall be preserved by the manager of the mine, and a copy of that document shall be preserved by the owner of the mine, in each case for three years after the instructions cease to be operative.

4 Qualifications of mine managers.

- (1) No person shall be qualified to be appointed or to be the manager of a mine of coal, stratified ironstone, shale or fireclay at which more than thirty persons are employed below ground unless he is the holder of a first-class certificate of competency valid

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)

with respect to the mine, has attained the age of twenty-six years and satisfies such other conditions, if any, as may be prescribed.

- (2) No person shall be qualified to be appointed or to be the manager of a mine of coal, stratified ironstone, shale or fireclay at which more than fourteen but not more than thirty persons are employed below ground—
- (a) except in a case falling within paragraph (b), unless he is the holder of a first-class or second-class certificate of competency valid with respect to the mine, has attained the age of twenty-three years and satisfies such other conditions, if any, as may be prescribed;
 - (b) in a case where there is for the time being in force a direction, given by^{[F1} the Executive] by notice served on the owner of the mine, that this paragraph shall apply to the mine, unless he is the holder of a first-class certificate of competency valid with respect to the mine, has attained the age of twenty-six years and satisfies such other conditions, if any, as may be prescribed;

but the Ministry may, by notice served on the owner of any such mine as aforesaid, exempt the mine from the provisions of this subsection.

- (3) In the case of a mine of coal, stratified ironstone, shale or fireclay at which not more than fourteen persons are employed below ground,^{[F1} the Executive] may by notice served on the owner of the mine direct that this subsection shall apply to the mine and, while the direction remains in force, no person shall be qualified to be appointed or to be the manager of the mine unless he is the holder of a first-class or second-class certificate of competency valid with respect to the mine, has attained the age of twenty-three years and satisfies such other conditions, if any, as may be prescribed.

Subs.(4) rep. by SR 1980/333

F1 SR 1999/150

5 Limitation on number of mines which a person may manage.

- (1) No person shall, without the approval of^{[F2} the Executive], be manager of more than one mine unless the surface entrances to all the shafts and outlets for the time being in use at all the mines of which he is manager lie within a circle whose radius is^{[F3} 4 kilometres].
- (2) Where a person is manager of two or more mines and it appears to the Ministry that by reason thereof the fulfilment, in relation to those mines or any of them, by that person of statutory responsibilities of his is prejudiced, the Ministry may serve on the owner of each of the mines of which the first-mentioned person is manager a notice directing that the person who is the manager of such of those mines as may be specified in the notice shall not also be the manager of the others or of such of them as may be so specified.

F2 SR 1999/150

F3 SR 1991/239

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)

6 Under-managers.

- (1) For any mine there may be one or more under-managers and (subject to the following provisions of this section and to the following provisions of this Act) in the case of—
- (a) a mine which, by virtue of the foregoing provisions of this Act, cannot lawfully be worked unless the manager thereof is none other than the holder of a first-class certificate of competency, being a mine whereof the manager is also the manager of another mine; and
 - (b) a mine (other than one falling within the foregoing paragraph), being a mine with respect to which there is for the time being in force a direction, given by^{F4} the Executive] by notice served on the owner of the mine, that, on the ground of the size or condition of the mine or the system of working it being such as, in the opinion of^{F4} the Executive], to render it inexpedient that it should be worked unless there is at least one under-manager, this paragraph shall apply to the mine;

the mine shall not be worked unless there is at least one under-manager.

- (2) If^{F4} the Executive] is satisfied with respect to any such mine as is mentioned in paragraph (a) of subsection (1) that it is unnecessary to require the appointment of an under-manager for the mine,^{F4} the Executive] may, by notice served on the owner of the mine, direct that so much of that subsection as prohibits the mine's being worked without there being at least one under-manager shall not have effect with respect to the mine.
- (3) The jurisdiction of an under-manager of a mine may be limited to part of the mine, but a mine the working whereof is unlawful unless there is at least one under-manager shall not be worked unless every part thereof below ground is within the jurisdiction of the under-manager or (where there are two or more under-managers) some one of them.
- (4) It shall be the duty of an under-manager of a mine, to the extent of his jurisdiction thereover, to supervise all operations carried on thereat and, to the best of his ability, to execute and enforce with respect to the mine the provisions of this Act, orders made thereunder and regulations.
- (5) No mine of coal, stratified ironstone, shale or fireclay (being a mine which, by virtue of the foregoing provisions of this Act, cannot lawfully be worked unless the manager thereof is none other than the holder of a first-class certificate of competency) shall be worked so long as a person is under-manager thereof who does not satisfy the following conditions, namely, that he is the holder of a first-class or second-class certificate of competency valid with respect to the mine, that he has attained the age of twenty-three years and that he satisfies such other conditions, if any, as may be prescribed; and provision may be made by regulations for requiring that no mine (other than as aforesaid) shall be worked so long as a person is under-manager thereof who does not satisfy such conditions as may be prescribed.
- (6) An under-manager of a mine shall be appointed by the owner thereof.

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)

7 Temporary appointments during vacancy in office of mine manager or under-manager.

- (1) Where, by reason of death, resignation or other cause, a vacancy occurs in the office of manager of a mine, nothing in section 2 shall prevent the mine's being worked at any time during a period not exceeding seventy-two days (or such longer period as^{F5} the Executive] may allow) until the vacancy is filled, if at that time there is a person appointed by the owner of the mine to exercise the powers and perform the duties of manager of the mine during a vacancy in the office, being a person who, at that time, is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of section 6(5).
- (2) Where, in the case of a mine the working whereof is unlawful unless there is at least one under-manager, a sole or last surviving under-manager dies, resigns or otherwise ceases to hold office, nothing in section 6 shall prevent the mine's being worked at any time during a period not exceeding seventy-two days (or such longer period as^{F5} the Executive] may allow) until the vacancy is filled, if at that time there is a person appointed by the owner of the mine to perform the duties of under-manager thereof in the event of a sole or last surviving under-manager ceasing to hold office, being a person who at that time either could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of section 6(5) or has such other qualifications as may be prescribed and has within his jurisdiction every part of the mine below ground.
- (3) A person appointed by the owner of a mine as mentioned in subsection (1) or (2) shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act, orders made thereunder and regulations in all respects as if he were the manager of the mine to which the appointment relates or, as the case may be, an under-manager thereof.

F5 SR 1999/150

8 Daily supervision by mine managers and under-managers.

- (1) No mine shall be worked unless daily personal supervision thereover is exercised by the manager thereof or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner of the mine to exercise such supervision during any such period, being a person who is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of section 6(5); but the foregoing provisions of this subsection shall not authorise the working of a mine by virtue of the exercise of daily personal supervision by a person other than the manager thereof for any period exceeding seventy-two days (or such longer period as^{F6} the Executive] may allow).
- (2) No such mine as is mentioned in paragraph (a) or (b) of subsection (1) of section 6 (not being a mine with respect to which a direction under subsection (2) of that section is in force) shall be worked unless daily personal supervision is exercised by each under-manager thereof or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner of the mine to exercise such supervision during any such period, being a person who either is or could be an under-manager of

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)

the mine without the working of the mine thereby being rendered unlawful by or by virtue of section 6(5) or has such other qualifications as may be prescribed.

- (3) A person appointed as mentioned in subsection (1) or (2) shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act, orders made thereunder and regulations in all respects as if he were the manager of the mine to which the appointment relates or, as the case may be, the under-manager thereof in whose place he is acting, so, however, that nothing in the foregoing provisions of this subsection shall be construed as divesting the manager or an under-manager of a mine of any power, or relieving him from any duty or liability, conferred or imposed on him by or by virtue of this Act.

F6 SR 1999/150

9 Charge of mine when neither manager nor under-manager nor substitute is present.

- (1) Subject to subsection (2), no mine shall be worked at a time when neither the manager of the mine, nor an under-manager thereof nor a person acting in exercise of an appointment made for the purpose of any of the provisions of sections 7 and 8 is present at the mine unless the mine is in the charge of a competent person appointed by the manager and having such qualifications, if any, as may be prescribed.
- (2) Nothing in subsection (1) shall prevent the working of a mine at a time when no persons are employed thereat below ground.

10 Duties of mine managers with respect to reading of reports, &c.

It shall be the duty of the manager of every mine, with respect to each report, record or other item of information which, in pursuance of this Act or regulations [^{F7} or health and safety regulations], is entered in a book which by or by virtue of this Act [^{F7} or by health and safety regulations which expressly apply to all mines, any class of mine to which the mine belongs or the mine] is required to be provided for that purpose by the owner of the mine, either to read it himself forthwith or to secure that it is read forthwith by some other competent person and that there is promptly brought to his notice any matter disclosed by the report, record or other item of information which either is of an abnormal or unusual nature as regards the mine or, not being of such a nature, is of a kind which will or may necessitate the taking of any steps by the manager or any other person.

F7 SR 1980/333

SURVEYORS

11 Surveyors.

- (1) No mine shall be worked unless there is a surveyor for the mine appointed by the owner thereof and having such qualifications, if any, as may be prescribed; but where by reason of death, resignation or other cause, a vacancy occurs in the office of surveyor

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)

for a mine, the foregoing provisions of this subsection shall not prevent the working of the mine for a period not exceeding twenty-eight days (or such longer period as^{F8} the Executive] may allow) until the vacancy is filled.

- (2) The surveyor for a mine shall have such responsibilities with respect to the preparation of, and otherwise in relation to, plans and other documents required by virtue of the following provisions of this Act to be kept in relation to the mine, and such other responsibilities, as may be imposed on him by virtue of those provisions.

F8 SR 1999/150

OFFICIALS AND TECHNICIANS

12 Deputies.

- (1) Provision may be made by regulations—
- (a) for imposing, in relation to a mine, such requirements with respect to the carrying out, by competent persons appointed for the purpose by the manager of the mine and having such qualifications, if any, as may be prescribed, of inspections of the mine as it may appear to the Ministry requisite or expedient to impose for the purpose of securing the safety and health of the workmen employed thereat;
 - (b) for providing that, subject to any exceptions for which provision may be made by the regulations, the persons appointed to discharge at a mine the duties imposed by virtue of paragraph (a) shall have the immediate charge of the workmen employed at the mine and of the operations carried on by them thereat;
 - (c) for prescribing any duties to be discharged by the persons so appointed in addition to those imposed on them by virtue of paragraphs (a) and (b) or by or by virtue of any of the following provisions of this Act, and for requiring that, subject to any exceptions for which provision may be made by the regulations, those persons shall devote the whole of their time to the discharge of the duties prescribed by virtue of this paragraph or imposed as aforesaid; and
 - (d) for requiring or authorising the delimitation in a mine of districts for the purpose of the discharge by the persons so appointed of their duties, for requiring that where, in a mine, districts are delimited for that purpose no one of those persons shall have charge of more than one district and for relating to each district the duties of the person in charge of it;

and it shall be the duty of the manager of a mine in relation to which requirements are imposed by virtue of paragraph (a) to secure that the number of persons appointed for the purpose of fulfilling those requirements is sufficient to secure the efficient discharge of the duties imposed on those persons.

Subs.(2) rep. by SR 1980/333

13 Other officials, engineers, technicians, &c.

- (1) It shall be the duty of the manager of every mine to appoint (in addition to any persons appointed by him in pursuance of, or of regulations having effect by virtue of, any provision of this Act other than this subsection) such number of officials, engineers and

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)

technicians and other competent persons, if any, as is sufficient (taking into account activities in that behalf which are undertaken in person by the manager of the mine, by any under-manager thereof and by any persons appointed as aforesaid) to secure—

- (a) the adequate inspection of the mine and the equipment thereof;
- (b) the thorough supervision of all operations at the mine; and
- (c) the carrying on of the undertaking of the mine in conformity with the provisions of this Act, orders made thereunder and regulations.

- (2) Regulations may require the manager of a mine to appoint, for the purpose of supervising, inspecting or conducting at, or in relation to, the mine, such operations or matters as may be prescribed, such officials, engineers or technicians or other competent persons as may be prescribed, and regulations made by virtue of this subsection may prescribe the qualifications to be held and the duties to be discharged by the persons thereby required to be appointed.

14 Duty of mine manager to ensure that persons appointed by him understand their duties.

It shall be the duty of the manager of every mine to ensure to the best of his ability that every person appointed by him in pursuance of the foregoing provisions of this Act or regulations having effect by virtue of any of those provisions understands the nature and scope of any duties which fall to be performed by that person, being either duties imposed by or by virtue of this Act or duties whose performance is undertaken for the purpose of attaining any of the objects mentioned in paragraphs (a) to (c) of section 13(1).

PROVISIONS ANCILLARY TO FOREGOING SECTIONS

15 Notification to Ministry of appointments by mine owners.

Forthwith after the appointment by the owner of a mine of a person to be the manager or an under-manager of the mine, to exercise the powers and perform the duties of manager of the mine during a vacancy in the office, to perform the duties of under-manager of the mine in the event of a sole or last surviving under-manager ceasing to hold office, to exercise daily personal supervision during a period during which the manager or an under-manager is absent or unable to exercise such supervision, or to be the surveyor for the mine, the owner shall give to^{F9} the Executive] notice, in such form as may be specified by^{F9} the Executive], of the making of the appointment and of the name and address of the person appointed and giving such particulars with respect to his qualifications as may be so specified.

F9 SR 1999/150

16 Disqualification of contractors and their employees for appointment as managers, &c., of mines.

- (1) Where a mine or any part thereof is worked, or any operations in a mine are carried on, by a contractor, and a person is by or by virtue of the foregoing provisions of this Act required to hold qualifications for appointment to any office in the mine mentioned in

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)

subsection (2), neither the contractor nor a person employed by him shall be capable of being appointed to that office notwithstanding that, apart from this section, he is qualified for appointment thereto.

- (2) The offices referred to in subsection (1) are those of manager of the mine, under-manager thereof and the office to which duties imposed by virtue of section 12(1) are attached.

PLANS

17 Keeping of plans.

- (1) Provision may be made by regulations for requiring that, in the case of every mine, the manager thereof shall keep at the office at the mine or at such other place as may be approved by^{F10} the Executive]
- (a) accurate plans of—
- (i) all the workings in the mine (whether abandoned or not) or such of them as may be prescribed; and
 - (ii) all other workings (whether abandoned or not) within the boundaries of the mine or within the prescribed distance outside any boundary of the mine (measured from any point on the boundary in a straight line on any plane) or such of those workings as may be prescribed;
- (b) accurate sections of the seams or veins for the time being worked in the mine and of all the strata overlying them;

being plans or, as the case may be, sections complying with such requirements as are imposed by or by virtue of subsection (2); and regulations made by virtue of this subsection may require the keeping of separate plans for different seams or veins or for the purpose of showing the system of ventilation in the workings or any other prescribed matter and require that plans be so kept as at any time to disclose the extent of workings delineated thereon both up to a day not earlier than such previous day as may be prescribed and up to a distance from their position at that time not greater than such as may be prescribed.

- (2) Plans and sections required to be kept by virtue of subsection (1) shall be of durable material and be prepared in such form and manner as may be specified by rules made by the Ministry and on a scale not less than such as may be so specified, and any such plans (other than any whereof the main purpose is to show matters other than the extent of workings) shall show the position, in relation to objects on the surface, of the workings delineated on the plans and record such information as may be so specified with respect to orientation, contours, boundaries, faults, workings other than those delineated on the plans and any such other matters (whether similar to the matters aforesaid or not) as may be so specified.
- (3) If, in the case of any mine, an inspector reports to^{F10} the Executive] that it appears to him that any information which, by virtue of the foregoing provisions of this section, is required to be recorded on a plan required to be kept by the manager of the mine cannot be recorded thereon fully and clearly,^{F10} the Executive] may serve on the manager of the mine a notice requiring him to keep at the office at the mine or at such other place as may be approved by^{F10} the Executive] such supplementary plan or drawing

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)

specified in the notice as appears to^{F10} the Executive] to be requisite for the purpose of recording that information fully and clearly.

(4) Regulations may provide—

- (a) for requiring that plans, sections and drawings which by virtue of this section are required to be kept in the case of a mine, or any prescribed class thereof, shall be prepared by, or under the supervision of, the surveyor for the mine;
- (b) for requiring, with respect to any such plan, section or drawing as aforesaid which has not been prepared by the surveyor for the mine, that the surveyor or such other person as may be prescribed shall take the prescribed steps for ensuring the accuracy thereof;
- (c) for imposing upon the surveyor for a mine such duties as may be prescribed with respect to—
 - (i) the preservation and production of any prescribed documents, being documents prepared for the purpose of, or in connection with, the preparation or checking of any of the plans, sections and drawings which by virtue of this section are required to be kept in the case of the mine; and
 - (ii) the recording of the identity of the person who prepared any such document.

F10 SR 1999/150

18 Furnishing of documents and information requisite for preparation of plans.

- (1) It shall be the duty both of the owner and of the manager of every mine, whether requested so to do or not, to furnish to the surveyor for the mine all such plans, sections, drawings and other documents and information in the possession or under the control of the owner or manager as may be requisite for the purpose of the preparation of any plan, section or drawing which, by virtue of section 17, is required to be kept in the case of that mine and to accord to the surveyor all such facilities as may be requisite for that purpose; and, in particular, but without prejudice to the generality of the foregoing provisions of this subsection, it shall be the duty of the manager of every mine, forthwith after it is determined to cease to maintain a working therein in an accessible condition, to give to the surveyor for the mine notice of that fact, specifying the working in question.
- (2) Each of the following persons, namely, the owner of a mine and the manager thereof, shall, if requested so to do by the owner of another mine, furnish to the owner of that other mine or the surveyor therefor any information in the possession of the person to whom the request is made, and permit the owner of that other mine or the surveyor therefor to inspect and take copies of, or extracts from, any plans, sections, drawings or other documents in the possession or under the control of the said person, being information or, as the case may be, documents requisite for the purpose of the preparation of any plan, section or drawing which, by virtue of section 17, is required to be kept in the case of that other mine.

19 Faulty plans.

- (1) If, in the case of any mine, ^{F11} the Executive] is satisfied that a plan, section or drawing which by virtue of the foregoing provisions of this Act is kept by the manager of that mine is inaccurate, incomplete, dilapidated or wholly or partly indecipherable and

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)

that, in the interests of safety, it is desirable for a new plan, section or drawing to be made, [F11 the Executive] may appoint a surveyor to make a new plan, section or drawing.

- (2) The following provisions shall have effect where a surveyor is appointed under subsection (1) to make a new plan, section or drawing in the case of a mine:—
- (a) the owner and the manager of the mine shall afford to the surveyor all necessary facilities and information for the purpose of making the new plan, section or drawing;
 - (b) on the completion of the new plan, section or drawing, it shall be sent to the manager of the mine; and
 - (c) the cost of making the new plan, section or drawing, or such part of that cost as [F11 the Executive] thinks fit, shall be recoverable by [F11 the Executive] from the owner of the mine summarily as a debt.

F11 SR 1999/150

20 Transmission to Ministry, and preservation, of plans of abandoned or disused mines, seams and veins.

- (1) Provision may be made by regulations—
- (a) for requiring that—
 - (i) in the event of the abandonment of a mine or of the expiration of the period of twelve months from the time at which a mine was last worked for the purpose of getting minerals or products of minerals, the person who is the owner of the mine at the time of the happening of that event shall, within the prescribed period thereafter, send to [F12 the Executive] such plans of the workings in the mine at that time (being plans complying with such requirements as are imposed by or by virtue of subsection (2)), and such drawings supplementary to the plans, as may be prescribed and such sections of the seams or veins worked in the mine and of the strata overlying them (being sections complying with such requirements as aforesaid) as may be prescribed;
 - (ii) in the event of the abandonment of a seam or vein in a mine or the expiration of the period of twelve months from the time at which a seam or vein in a mine was last worked for the purpose of getting minerals or products of minerals, the person who is the owner of the mine at the time of the happening of that event shall, within the prescribed period thereafter, send to [F12 the Executive] such plans of the workings in that seam or vein at that time (being plans complying with such requirements as are imposed by or by virtue of subsection (2)), and such drawings supplementary to the plans, as may be prescribed and such sections of that seam or vein and of the strata overlying it (being sections complying with such requirements as aforesaid) as may be prescribed;
 - (b) for imposing, with respect to plans, drawings and sections sent to [F12 the Executive] in pursuance of such provisions of the regulations as have effect by virtue of paragraph (a), such requirements (whether with respect to the persons by whom they are to be prepared, the giving of certificates with respect thereto or otherwise) as it may appear to the Ministry requisite or expedient to impose for the purpose of ensuring the accuracy thereof.

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)

- (2) Plans and sections required, by virtue of provisions of regulations having effect by virtue of subsection (1), to be sent to^[F12] the Executive] shall be of durable material and be prepared in such form and manner as may be specified by rules made by the Ministry and on a scale not less than such as may be so specified, and any such plans shall show the position, in relation to objects on the surface, of the workings delineated on the plans and record such information as may be so specified with respect to orientation, contours, boundaries, faults, workings other than those delineated on the plans and any such other matters (whether similar to the matters aforesaid or not) as may be so specified.
- (3) If^[F12] the Executive] is satisfied—
- (a) that there has occurred, in the case of a mine, a contravention of provisions of regulations having effect by virtue of sub-paragraph (i) or (ii) of subsection (1) (a) consisting of a failure to send a plan, drawing or section to^[F12] the Executive] within the period limited by those provisions or that, in the case of a mine, a plan, drawing or section sent to^[F12] the Executive] in pursuance of those provisions is inaccurate, incomplete, dilapidated or wholly or partly indecipherable; and
 - (b) that, in the interests of safety, it is desirable for a new plan, drawing or section to be made;
- ^[F12]the Executive] may, within six months from the expiration of that period, appoint a surveyor to make a new plan, drawing or section, and the cost of making the new plan, drawing or section, or such part of that cost as^[F12] the Executive] thinks fit, shall be recoverable by^[F12] the Executive] from the person who was the owner of the mine at the time of the happening of the event in consequence of the happening of which the said provisions fell to be complied with.
- (4) Subject to the provisions of subsections (5) to (7), plans, drawings and sections sent to^[F12] the Executive] in pursuance of provisions of regulations having effect by virtue of subsection (1)(a)(i) or (ii) or made by a surveyor appointed under subsection (3) shall be preserved by^[F12] the Executive] or by some other person under arrangements made or approved by^[F12] the Executive].
- (5) Arrangements under subsection (4) for the preservation by some person other than^[F12] the Executive] of plans, drawings and sections sent by the owner of a mine to^[F12] the Executive] as therein mentioned shall not be made otherwise than with the agreement of the person who is the owner of the mine at the time when the arrangements are made.
- (6) No person except an inspector shall be entitled, without the consent of the owner for the time being of the mine, or a licence of^[F12] the Executive], to see the plans, drawings or sections whilst preserved under arrangements made or approved as aforesaid until after the expiration of ten years from the time of the abandonment, but such a licence shall not be granted unless^[F12] the Executive] is satisfied that the inspection of the plans, drawings or sections is necessary in the interests of safety.
- (7) Where, at the time at which the working of a mine or a seam or vein therein is resumed, any plans, drawings or sections relating thereto are, by virtue of subsection (4), preserved by^[F12] the Executive] or by some other person (not being the owner of the mine), the owner shall, on giving not less than fourteen days notice to the person by whom the plans, drawings or sections are preserved and (where that person is not^[F12] the Executive]) to^[F12] the Executive], be entitled to have delivered to him the plans, drawings or sections subject to affording to^[F12] the Executive], if required so to do

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)

before the expiration of the notice, a reasonable opportunity of making copies of the plans, drawings or sections or of such part thereof as^{F12} the Executive] thinks fit.

F12 SR 1999/150

S.21 rep. by SR 1980/333

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.