



Mines and Quarries Act 1954

1954 CHAPTER 70 2 and 3 Eliz.2

PART VII

WORKMEN'S INSPECTIONS

123 Inspections of mines and quarries on behalf of workmen employed thereat.

- (1) For the purpose of enabling inspections to be carried out at a mine or quarry on behalf of the persons employed thereat, a panel of persons each of whom has had not less than five years practical experience of mining or, as the case may be, of quarrying operations may be appointed for that mine or quarry—
 - (a) in a case where there is an association or body representative of a majority of the total number of persons employed at the mine or quarry, by that association or body;
 - (b) in any other case, jointly by associations or bodies which are together representative of such a majority.
- (2) The owner of a mine or quarry shall be under an obligation to permit such inspections to be carried out thereat by members of the panel appointed therefor under subsection (1) of this section as will enable every part of the mine or quarry and the equipment thereof to be inspected once at least in every month by two of those members together (of whom one at least is employed at the mine or quarry).
- (3) Where there occurs at a mine or quarry an accident or other occurrence (being in either case one of which notice is required by [^{F1}the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985] to be given), any two members of the panel appointed for the mine or quarry under subsection (1) of this section (of whom one at least is employed at the mine or quarry) may together inspect the place where the accident or other occurrence occurred and, so far as necessary for the purpose of ascertaining its cause, any other part of the mine or quarry and any machinery, apparatus or other thing thereat, and may take samples of the atmosphere at that place and of any dust or water thereat.
- (4) Nothing in subsection (2) or (3) of this section shall be construed as precluding the making, as respects a mine or quarry, of an agreement between the owner thereof and

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the association or body (or, as the case may be, associations or bodies) by whom a panel therefor is appointed under subsection (1) of this section with respect to the carrying out, by members of that panel, of inspections at the mine or quarry, so, however, that no such agreement shall operate so as in any way to abridge the rights conferred by the said subsections (2) and (3).

- (5) On any occasion on which members of a panel appointed for a mine or quarry under subsection (1) of this section carry out, by virtue of subsection (2) or (3) of this section or of any such agreement as is mentioned in subsection (4) thereof, an inspection at the mine or quarry, they—
- (a) shall be entitled to inspect any documents which by or by virtue of this Act are required to be kept at the office at the mine or quarry or at such other place as may be approved by an inspector;
 - (b) shall be entitled to be accompanied by advisers of theirs, but shall not be entitled to preclude from accompanying them any of the following persons, that is to say,—
 - (i) in the case of an inspection at a mine, the owner thereof and any person nominated by him, the manager thereof and any person nominated by him and any under-manager thereof;
 - (ii) in the case of an inspection at a quarry, the owner thereof and any person nominated by him and any manager thereof and any person nominated by him.
- (6) On any occasion on which members of a panel appointed under subsection (1) of this section for a mine or quarry are, by virtue of subsection (2) or (3) of this section or of any such agreement as is mentioned in subsection (4) thereof, carrying out an inspection at the mine or quarry, it shall be the duty of all persons employed thereat to afford to those members such facilities and assistance with respect to matters or things to which the respective responsibilities of those persons extend as are requisite for the purpose of carrying out the inspection, and where the inspection is carried out by virtue of subsection (2) of this section or of any such agreement as is mentioned in subsection (4) thereof, it shall be the duty—
- (a) where the inspection is carried out at a mine, of the manager thereof; and
 - (b) where the inspection is carried out at a quarry, of any manager thereof,
- if requested so to do by the said members, to furnish to them any information in his possession which relates to the nature or extent of any workings proposed to be carried on in the mine or quarry.
- (7) Forthwith after members of a panel appointed under subsection (1) of this section for a mine or quarry have, on any occasion, completed an inspection carried out thereat by virtue of subsection (2) or (3) of this section or of any such agreement as is mentioned in subsection (4) thereof, they shall make, in a book to be provided for that purpose by the owner of the mine or quarry, a full and accurate report of the matters ascertained as a result of the inspection and shall subscribe their signatures thereto.
- (8) Forthwith after a report has, in pursuance of the last foregoing subsection, been made of matters ascertained as a result of an inspection carried out at a mine or quarry, a true copy thereof shall be sent to the inspector for the district and another such copy shall be posted in some conspicuous position at the mine or quarry and kept posted there for a period of twenty-four hours.

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Textual Amendments

F1 Words substituted by virtue of S.I. 1985/2023, reg. 13, **Sch. 7 Pt. III para. 1(b)**

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