



Coal Mines Regulation Act 1908

1908 CHAPTER 57 8 Edw 7

An Act to amend the Coal Mines Regulation Acts 1887 to 1905, for the purpose of limiting hours of work below ground. [21st December 1908]

Textual Amendments

- F1** Act repealed (E.W.S) (20.11.1993) by [Coal Industry Act 1992 \(c. 17\)](#), s. 3(3), [Sch. Pt.II](#); S.I. 1993/2514 art.2

Modifications etc. (not altering text)

- C1** This Act is not necessarily in the form in which it has effect in Northern Ireland

Commencement Information

- I1** Act partly in force at 1.7.1909 and wholly in force at 1.1.1910 by s. 8(2) (now repealed).

1 Limit of hours of work below ground in coal mines.

- (1) Subject to the provisions of this Act a [^{F2}worker] shall not be below ground in a mine for the purpose of his work, and of going to and from his work, for more than [^{F3}eight hours][^{F3}seven hours] during any consecutive twenty-four hours.
- (2) No contravention of the foregoing provisions shall be deemed to take place in the case of a [^{F2}worker] working in a shift if the period between the times at which the last [^{F2}worker] in the shift leaves the surface and the first [^{F2}worker] in the shift returns to the surface does not exceed [^{F3}eight hours][^{F3}seven hours]; nor shall any contravention of the foregoing provisions be deemed to take place in the case of any [^{F2}worker] who is below ground for the purpose of rendering assistance in the event of accident, or for meeting any danger or apprehended danger, or for dealing with any emergency or work uncompleted through unforeseen circumstances which requires to be dealt with without interruption in order to avoid serious interference with ordinary work in the mine or in any district of the mine, or, in the case of stall [^{F2}workers] when engaged in the process of taking down top coal in square or wide work in the thick coal of the South Staffordshire district, so long as their presence in or near the stall is necessary to ensure safety.

Status: Point in time view as at 20/11/1993.

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- (3) The . . . ^{F4} manager of every mine shall fix for each shift of [^{F2}workers] in the mine the time at which the lowering of the [^{F2}workers] to the mine is to commence and to be completed, and the time at which the raising of the [^{F2}workers] from the mine is to commence and to be completed, in such a manner that every [^{F2}worker] shall have the opportunity of returning to the surface without contravention of the foregoing provisions of this section, and shall post and keep posted at the pit head a conspicuous notice of the time so fixed, and shall make all arrangements necessary for the observance of those times in lowering and raising the [^{F2}workers].
- (4) The interval between the times fixed for the commencement and for the completion of the lowering and raising of each shift of [^{F2}workers] to and from the mine shall be such time as may for the time being be approved by the inspector as the time reasonably required for the purpose. Provided that, in the event of any accident to the winding machinery, or other accident interfering with the lowering or raising of [^{F2}workers], the interval may temporarily be extended to such extent as may be necessary; but in any such case the . . . ^{F4} manager of the mine shall on the same day send notice of the extension and the cause thereof to the inspector, and the extension shall not continue beyond such date as may be allowed by the inspector.
- (5) In the event of the . . . ^{F4} manager feeling aggrieved by a decision of the inspector under the last foregoing subsection, the matter shall, in accordance with regulations as to procedure and costs made by the Secretary of State, be referred to the decision of a person appointed by the judge of county courts for the district, or in Scotland by the sheriff of the [^{F5}sheriffdom], in which the mine is situate, whose decision shall be final; but until such decision is given the times approved by the inspector shall be in force as respects the mine.
- (6) A repairing shift of [^{F2}workers] may, notwithstanding the provisions of this section, for the purpose of avoiding work on Sunday, commence their period of work on Saturday before twenty-four hours have elapsed since the commencement of their last period of work, so long as at least eight hours have elapsed since the termination thereof.
- (7) For the purposes of this Act, the expression “worker” means any person employed in a mine below ground, who is not an official of the mine (other than a . . . ^{F4} deputy), or a mechanic or horse-keeper, or a person engaged solely in surveying or measuring; and any number of [^{F2}workers] whose hours for beginning and terminating work in the mine are approximately the same shall be deemed to be a shift of [^{F2}workers].
Provided that—
- (a) In the case of a . . . ^{F4} deputy, [^{F6}onsetter], pump-minder, fanman, or furnace-^{F2}worker], the maximum period for which he may be below ground under this Act shall be [^{F7}nine hours and a half][^{F7}eight hours]; and
 - (b) Where the work of sinking a pit or driving a cross-measure drift is being carried on continuously, no contravention of the provisions of this Act shall be deemed to take place as respects any [^{F2}worker] engaged on that work if the number of hours spent by him at his working place does not exceed six at any one time, and the interval between the time of leaving the working place and returning thereto is in no case less than twelve hours.

If any question under this section arises (otherwise than in legal proceedings) whether any person is a [^{F2}worker] or is a [^{F2}worker] of any particular class, that question shall be referred to the Secretary of State, and his decision shall be final.

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Textual Amendments

- F2** Words substituted by [Sex Discrimination Act 1975 \(c. 65\), s. 21\(2\)](#)
- F3** “Seven hours” substituted for “eight hours” in application to mines in which coal is worked by [Coal Mines Act 1919 \(c. 48\), s. 1\(a\)](#)
- F4** Words repealed by [Mines and Quarries Act 1954 \(c. 70\), Sch. 5](#)
- F5** Word substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), Sch. 1 para. 1](#)
- F6** Word repealed in application to mines where coal is worked by [Coal Mines Act 1919 \(c. 48\), s. 1\(c\)](#)
- F7** “Eight hours” substituted for “nine hours and a half” in application to mines in which coal is worked by [Coal Mines Act 1919 \(c. 48\), s. 1\(a\)](#)

2 Register of times of descent and ascent.

- (1) The . . . ^{F8} manager of every mine shall appoint one or more persons to direct at the pit head the lowering and raising of [^{F9}workers] to and from the mine, and shall cause a register to be kept in the form prescribed by the Secretary of State, and containing the particulars prescribed by him with respect to the times at which [^{F9}workers] are lowered into and raised from the mine, and the cases in which any [^{F9}worker] is below ground for more than the time fixed by this Act, and the cause thereof, and the register shall be open to inspection by the inspector.
- (2) ^{F10}
- (3) If any person knowingly makes a false entry in the register which is to be kept under this section, or knowingly causes or permits any such false entry to be made, he shall be liable on summary conviction in respect of each offence to a fine not exceeding [^{F11}level 1 on the standard scale]. Provided that the total amount of fines for offences under this section committed by any one person at any one pit head in any one period of twenty-four hours shall not exceed twenty-five pounds.

Textual Amendments

- F8** Words repealed by [Mines and Quarries Act 1954 \(c. 70\), Sch. 5](#)
- F9** Words substituted by [Sex Discrimination Act 1975 \(c. 65\), s. 21\(2\)](#)
- F10** [S. 2\(2\)](#) repealed (E.W.S.) by [Wages Act 1986 \(c. 48, SIF 43:2\), s. 32\(1\)\(2\), Sch. 4 para. 1, Sch. 5 Pt. III](#) and by [S.I. 1988/796 \(N.I. 7\), art. 27\(1\)\(2\), Sch 4 para. 1, Sch. 5 Part II](#)
- F11** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

3 Power to extend hours of work on a limited number of days in a year.

- (1) The time fixed by this Act as the time during which the [^{F12}workers] in a mine may be below ground for the purpose of their work and of going to and from their work may be extended as respects any mine by the . . . ^{F13} manager of the mine, [^{F14}on not more than sixty days in any calendar year] by not more than [^{F15}one hour][^{F15}half an hour] a day, and on any day on which an extension of time is made in accordance with this section as respects any mine the time as so extended shall be substituted for the purposes of this Act as respects that mine for the time as fixed by this Act.

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- (2) The . . . ^{F13} manager of every mine shall cause a register to be kept in such manner as the Secretary of State may direct of the cases in which any extension of time has been given under this section, and the register shall be open to inspection by the inspector.

Textual Amendments

- F12** Words substituted by [Sex Discrimination Act 1975 \(c. 65\), s. 21\(2\)](#)
F13 Words repealed by [Mines and Quarries Act 1954 \(c. 70\), Sch. 5](#)
F14 Words omitted by [Coal Mines Act 1931 \(c. 27\), s. 1](#) during the continuance of that section
F15 “Half an hour” substituted for “one hour” by [Coal Mines Act 1931 \(c. 27\), s. 1](#) during the continuance of that section

Modifications etc. (not altering text)

- C2** [S. 3\(2\)](#) omitted by [Coal Mines Act 1931 \(c. 27\), s. 1](#) during the continuance of that section

4 Power to suspend Act by Order in Council in event of emergency.

His Majesty may, in the event of war or of imminent national danger or great emergency, or in the event of any grave economic disturbance due to the demand for coal [^{F16}or for the product of any other mines to which this Act applies] exceeding the supply available at the time, by Order in Council suspend the operation of this Act to such extent and for such period as may be named in the Order, either as respects all [^{F17}mines] or any class of [^{F17}mines].

Textual Amendments

- F16** Words inserted by [Coal Mines Regulation \(Amendment\) Act 1917 \(c. 8\), s. 1](#)
F17 Word substituted by [Coal Mines Regulation \(Amendment\) Act 1917 \(c. 8\), s. 1](#)

5 Application to mines not entered by a shaft, &c.

In the application of this Act to mines which are entered otherwise than by a shaft, and to [^{F18}workers] who are not lowered to or raised from the mine by means of machinery, the admission of [^{F18}workers] to the mine shall be substituted for the lowering of [^{F18}workers] to the mine, and the return of [^{F18}workers] from the mine shall be substituted for the raising of [^{F18}workers] from the mine, and such times as may be determined by the . . . ^{F19} manager of the mine, with the approval of the inspector, as the times properly corresponding to the times fixed for the commencement and completion of the lowering and raising of [^{F18}workers] to and from the mine, shall be substituted for the times so fixed.

Textual Amendments

- F18** Words substituted by [Sex Discrimination Act 1975 \(c. 65\), s. 21\(2\)](#)
F19 Words repealed by [Mines and Quarries Act 1954 \(c. 70\), Sch. 5](#)

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6 Provisions for securing compliance with Act.

For securing compliance with the provisions of this Act, it shall be the duty of the . . .
^{F20} manager of every mine—

- (a) to make regulations for that purpose and publish such regulations by posting them and keeping them posted at the pit head, and by supplying a copy thereof gratis to every [^{F21}worker] employed underground in the mine who, not having been previously supplied with a copy, applies therefor at the office at which he is paid; and
- (b) to provide necessary means for raising the [^{F21}workers] from the mine within the time limited by this Act.

Textual Amendments

- F20** Words repealed by [Mines and Quarries Act 1954 \(c. 70\), Sch. 5](#)
F21 Words substituted by [Sex Discrimination Act 1975 \(c. 65\), s. 21\(2\)](#)

7 Penalties.

- (1) . . . ^{F22} A [^{F23}worker] shall not be guilty of an offence under this Act in the case of any failure to return to the surface within the time limited by this Act if he proves that without default on his part he was prevented from returning to the surface owing to means not being available for the purpose.
- (2) ^{F24}
- (3) If a [^{F23}worker] is below ground for a longer period during any consecutive twenty-four hours than the time fixed by this Act he shall be deemed to have been below ground in contravention of this Act unless the contrary is proved.

Textual Amendments

- F22** Words repealed by [Mines and Quarries Act 1954 \(c. 70\), Sch. 5](#)
F23 Words substituted by [Sex Discrimination Act 1975 \(c. 65\), s. 21\(2\)](#)
F24 [S. 7\(2\)](#) repealed by [Mines and Quarries Act 1954 \(c. 70\), Sch. 5](#)

8 †Application, commencement and short title.

- [^{F25}(1) The mines to which the Act applies are mines of coal, mines of stratified ironstone, mines of shale and mines of fireclay].
- (2) ^{F26}
- (3) This Act may be cited as the Coal Mines Regulation Act 1908, and shall be construed as one with the Coal Mines Regulation Acts 1887 to 1905, and this Act and those Acts may be cited together as the Coal Mines Regulation Acts 1887 to 1908.

Textual Amendments

- F25** [S. 8\(1\)](#) substituted by virtue of [Wages Act 1986 \(c. 48, SIF 43:2\), s. 32\(1\)\(2\), Sch. 4 para. 2](#) and [S.I. 1988/796, art. 27\(1\), Sch. 4 para. 2](#)
F26 [S. 8\(2\)](#) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

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C3 Unreliable marginal note

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