



Coal Mines Regulation Act 1908

1908 CHAPTER 57

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]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1 Limit of hours of work below ground in coal mines

- (1) Subject to the provisions of this Act a workman 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 eight 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 workman working in a shift if the period between the times at which the last workman in the shift leaves the surface and the first workman in the shift returns to the surface does not exceed eight hours ; nor shall any contravention of the foregoing provisions be deemed to take place in the case of any workman 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 stallmen 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.
- (3) The owner, agent, or manager of every mine shall fix for each shift of workmen in the mine the time at which the lowering of the men to the mine is to commence and to be completed, and the time at which the raising of the men from the mine is to commence and to be completed, in such a manner that every workman 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

Status: This is the original version (as it was originally enacted).

so fixed, and shall make all arrangements necessary for the observance of those times in lowering and raising the men.

- (4) The interval between the times fixed for the commencement and for the completion of the lowering and raising of each shift of workmen 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 workmen, the interval may temporarily be extended to such extent as may be necessary ; but in any such case the owner, agent, or 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 owner, agent, or 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 county, 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 workmen 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 "workman" means any person employed in a mine below ground, who is not an official of the mine (other than a fireman, examiner, or deputy), or a mechanic or horse-keeper, or a person engaged solely in surveying or measuring; and any number of workmen whose hours for beginning and terminating work in the mine are approximately the same shall be deemed to be a shift of workmen.

Provided that—

- (a) In the case of a fireman, examiner, or deputy, onsetter, pump-minder, fanman, or furnace-man, the maximum period for which he may be below ground under this Act shall be nine hours and a half; 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 workman engaged on that work if the number of hours, spent by him at his working place does not exceed six at anyone 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 workman or is a workman of any particular class, that question shall be referred to the Secretary of State, and his decision shall be final.

2 Register of times of descent and ascent

- (1) The owner, agent, or manager of every mine shall appoint one or more persons to direct at the pit head the lowering and raising of men 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 men are lowered

into and raised from the mine, and the cases in which any man 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) The workmen in a mine may, at their own cost, appoint and station one or more persons, whether holding the office of checkweigher or not, to be at the pit head, at all times when workmen are to be lowered or raised, for the purpose of observing the times of lowering and raising, and the provisions of the Coal Mines Regulation Acts, 1887 to 1905, relating to the check-weigher, and to the relations between the owner, agent, or manager of the mine and the checkweigher shall, so far as applicable, apply to any person so appointed as they apply to the checkweigher, with the substitution, as respects appointment, of the workmen in the mine for the persons who under those Acts are entitled to appoint a checkweigher.
- (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 five pounds. 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.

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 workmen 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 owner, agent, or manager of the mine, on not more than sixty days in any calendar year by not more than one 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.
- (2) The owner, agent, or 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.

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 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 coal mines or any class of coal mines.

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 workmen who are not lowered to or raised from the mine by means of machinery, the admission of men to the mine shall be substituted for the lowering of men to the mine, and the return of men from the mine shall be substituted for the raising of men from the mine, and such times as may be determined by the owner, agent, or 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 workmen to and from the mine, shall be substituted for the times so fixed.

6 Provisions for securing compliance with Act

For securing compliance with the provisions of this Act, it shall be the duty of the owner, agent, or 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 workman 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 men from the mine within the time limited by this Act.

7 Penalties

- (1) If any person contravenes or fails to comply with any provision of this Act or connives at any such contravention or failure on the part of any other person, he shall be guilty of an offence against this Act:

Provided that a workman 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) A person guilty of an offence under this Act for which a special penalty is not provided shall, in respect of each offence, be liable, on summary conviction, if he is the owner, agent, or manager of the mine, to a fine not exceeding two pounds, and in any other case to a fine not exceeding ten shillings.
- (3) If a workman 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.

8 Application, commencement, and short title

- (1) This Act shall, except where the contrary intention appears, apply to all mines to which the Coal Mines Regulation Acts, 1887 to 1905, apply.
- (2) This Act shall come into operation, as respects mines in the counties of Northumberland and Durham, on the first day of January nineteen hundred and ten, and elsewhere on the first day of July nineteen hundred and nine.
- (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.