



Mines and Quarries Act 1954

1954 CHAPTER 70 2 and 3 Eliz.2

PART II

MANAGEMENT AND CONTROL (MINES)

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 an inspector—
 - (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 the next following subsection; 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 the foregoing subsection shall be of durable material and be prepared in such form and manner as may be specified by rules made by the Minister and on a scale not less than such as may be so specified, and any

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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, it appears to an inspector 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, he 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 an inspector such supplementary plan or drawing specified in the notice as appears to the inspector by whom the notice is served 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.

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 the last foregoing section, 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,

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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 the last foregoing section, is required to be kept in the case of that other mine.

19 Faulty plans.

- (1) If, in the case of any mine, [^{F1}the Health and Safety Executive] is satisfied, upon a representation made to [^{F1}the Executive] by an inspector, 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 that, in the interests of safety, it is desirable for a new plan, section or drawing to be made, [^{F1}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 the foregoing subsection 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 [^{F1}the Health and Safety Executive] thinks fit, shall be recoverable by him from the owner of the mine.

Textual Amendments

F1 Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

Modifications etc. (not altering text)

C1 S. 19 extended (1.10.1993) by 1993/1897, reg.33.

20 Transmission to inspector, 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 the inspector for the district 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 the next following subsection), 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;

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- (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 the inspector for the district 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 the next following subsection), and such drawings supplementary to the plans, as may be prescribed and such sections of that seam or vein and of the strata over-lying 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 an inspector in pursuance of such provisions of the regulations as have effect by virtue of the foregoing paragraph, 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 Minister requisite or expedient to impose for the purpose of ensuring the accuracy thereof.
- (2) Plans and sections required, by virtue of provisions of regulations having effect by virtue of the foregoing subsection, to be sent to an inspector shall be of durable material and be prepared in such form and manner as may be specified by rules made by the Minister 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 [^{F2}the Health and Safety Executive] is satisfied, on the representation of an inspector, —
- (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 paragraph (a) of subsection (1) of this section consisting of a failure to send a plan, drawing or section to an inspector within the period limited by those provisions or that, in the case of a mine, a plan, drawing or section sent to an inspector 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;
- [^{F2}the Health and Safety 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 [^{F2}the Health and Safety Executive] thinks fit, shall be recoverable by [^{F2}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 the next following subsection, plans, drawings and sections sent to an inspector in pursuance of the said provisions or made by a surveyor appointed under the last foregoing subsection shall be preserved by [^{F2}the Health and Safety Executive] or by some other person under arrangements made or approved by [^{F2}the Health and Safety Executive].

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- (5) 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 the last foregoing subsection, preserved by [^{F2}the Health and Safety 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 [^{F2}the Health and Safety Executive] to [^{F2}the Health and Safety Executive], be entitled to have delivered to him the plans, drawings or sections subject to affording to [^{F2}the Health and Safety Executive], if required so to do before the expiration of the notice, a reasonable opportunity of making copies of the plans, drawings or sections or of such part thereof as [^{F2}the Health and Safety Executive] thinks fit.

Textual Amendments

F2 Words substituted by virtue of S.I. 1974/2013, **Sch. 2 para. 3**

21 ^{F3}

Textual Amendments

F3 Ss. 4(4), 12(2), 21, 22(4), 26 repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

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