



# Mines and Quarries Act 1954

## 1954 CHAPTER 70

### PART VIII

#### EMPLOYMENT OF WOMEN AND YOUNG PERSONS

##### *Prohibition of Employment below Ground*

#### **124 Prohibition of employment below ground in certain cases**

- (1) No female shall be employed below ground at a mine.
- (2) After such day as may be appointed by order of the Minister in relation to mines of any class, no male young person who has not attained the age of sixteen shall be employed below ground in a mine of that class except for the purpose of receiving instruction of such description as may be prescribed.

##### *Hours of Work*

#### **125 Provisions as to hours worked by women and young persons**

- (1) The hours worked and the intervals for meals and rest for every woman or young person employed above ground at a mine or employed at a quarry shall conform to the following conditions, namely,—
  - (a) the total hours worked, exclusive of intervals allowed for meals and rest, shall neither exceed nine in any day nor exceed forty-eight in any week and, except in the case of a male young person who has attained the age of sixteen, shall not exceed eight hours in any day unless the intervals allowed for meals and rest between spells amount to not less than one and a half hours;
  - (b) a woman or young person shall not be employed continuously for a spell of more than four and a half hours without an interval of at least half an hour for a meal or rest, so, however, that where an interval of not less than ten minutes is allowed in the course of a spell, the spell may be increased to five hours.

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- (2) The total hours worked by a young person employed below ground at a mine other than of coal, stratified ironstone, shale or fireclay (including intervals allowed for meals and rest, the period between the time at which he is required to attend for the purpose of going below ground and the time at which he arrives at his working place and the period between the time at which he leaves his working place and the time at which he returns to the surface) shall neither exceed nine in any day nor exceed forty-eight in any week.

#### **126 Periods of employment of females and of male young persons under sixteen**

- (1) The period of employment of a woman employed at a mine or quarry shall neither begin earlier than six o'clock in the morning nor end later than ten o'clock in the evening or, on Saturday, two o'clock in the afternoon.
- (2) The period of employment of a female young person employed at a mine or quarry or of a male young person who has not attained the age of sixteen employed above ground at a mine or at a quarry shall neither begin earlier than six o'clock in the morning nor end later than nine o'clock in the evening or, on Saturday, two o'clock in the afternoon.
- (3) The period of employment of a male young person who has not attained the age of sixteen employed below ground at a mine shall neither begin earlier than six o'clock in the morning nor end later than ten o'clock in the evening or, on Saturday, two o'clock in the afternoon.
- (4) In the case of a woman employed at a mine or quarry and in the case of any such young person as is mentioned in subsection (2) or (3) of this section who is so employed, there shall be an interval of not less than twelve hours between successive periods of employment.
- (5) No woman and no such young person as is mentioned in subsection (2) or (3) of this section shall be employed at a mine or quarry on Sunday.

#### **127 Periods of employment of male young persons over sixteen**

- (1) Subject to the following provisions of this section and to the following provisions of this Part of this Act relating to special exceptions, the period of employment of a male young person who has attained the age of sixteen employed at a mine (whether above or below ground) or at a quarry shall neither begin earlier than six o'clock in the morning nor end later than ten o'clock in the evening, so, however, that no such young person shall be so employed at any time on a Saturday after two o'clock in the afternoon or on a Sunday except in the carrying out of work of surveying, measuring, repair or maintenance, being work of a description which requires to be done at that time.
- (2) In the case of any mine or quarry, the responsible person, if authorised so to do, may by notice posted at the mine or quarry give either or both of the following directions, namely,—
- (a) a direction that the foregoing subsection shall, in relation to all such young persons as aforesaid employed at the mine or quarry, have effect with the substitution, for the reference to six o'clock in the morning, of a reference to such earlier time (not being earlier than five o'clock in the morning) as may be specified in the notice;

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- (b) a direction that that subsection shall, in relation to all such young persons as aforesaid employed at the mine or quarry, have effect with the substitution, for the reference to ten o'clock in the evening, of a reference to such later time (not being later than eleven o'clock in the evening) as may be so specified:

Provided that where, in relation to a mine or quarry, a direction is given under each of the foregoing paragraphs, the directions shall be void if their combined effect is to extend the period of employment of the young persons employed at the mine or quarry by more than one hour.

Authority for the giving of directions under this subsection may be given—

- (i) in the case of all mines or quarries or mines or quarries of any class, by order of the Minister ;
  - (ii) in the case of a particular mine or quarry, by notice served by an inspector on the responsible person.
- (3) In the case of any such young person as is mentioned in subsection (1) of this section who is employed at a mine or quarry, there shall be an interval of not less than twelve hours between successive periods of employment.
- (4) Where such a young person as is mentioned in subsection (1) of this section is employed at a mine or quarry on a Saturday after two o'clock in the afternoon, he shall not be employed at the mine or quarry after two o'clock in the afternoon on one of the days falling between the next following Sunday and the next following Saturday, and where such a young person is so employed on a Sunday he shall not be employed at the mine or quarry at any time on one of the days falling between that day and the next following Saturday.

## **128 Notice fixing periods of employment, and c**

- (1) It shall, in the case of every mine and quarry, be the duty of the responsible person to fix within the limits allowed by or by virtue of the foregoing provisions of this Part of this Act and to specify in a notice which shall be posted at the mine or quarry in such form as the Minister may specify—
- (a) the period of employment for each day of the week for the women and young persons employed at the mine or quarry whose hours worked are regulated by section one hundred and twenty-five of this Act;
  - (b) any intervals allowed for meals or rest to such women and young persons;
- and no such woman or young person shall be employed at the mine or quarry otherwise than in accordance with the notice.
- (2) Different periods of employment and different intervals may be fixed under this section for different classes of women and young persons employed at a mine or quarry and for different days of the week.
- (3) A change in the periods or intervals fixed under this section with respect to women or young persons employed at a mine or quarry shall not be made until the responsible person has served on the inspector for the district, and posted in some conspicuous position at the mine or quarry, notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector for the district.

*Special Exceptions*

**129 Special temporary exception as respects coal mines in Durham, Northumberland and Warwick**

- (1) As respects male young persons who have attained the age of sixteen and are employed (whether above or below ground) at mines of coal in the counties of Durham, Northumberland and Warwick, the following provisions shall have effect until such day (being not later than five years after the commencement of this Act) as the Minister may by order appoint in relation to those counties, namely,—
- (a) subsection (1) of section one hundred and twenty-seven of this Act (save in so far as it relates to employment on Saturday after two o'clock in the afternoon or on Sunday) shall not apply;
  - (b) such a male young person as aforesaid may be employed at a mine on a Sunday after ten o'clock in the evening provided that he has not been employed thereat at any time during the period of thirty-six hours ending immediately before he begins to be employed on that Sunday;
- and the reference in subsection (1) of the last foregoing section to the foregoing provisions of this Part of this Act shall be construed accordingly.
- (2) Different days may be appointed under the foregoing subsection in relation to the respective counties of Durham, Northumberland and Warwick.

**130 Special exception for emergencies**

Where on any occasion a male young person who has attained the age of sixteen remains, after the time at which his period of employment ends, below ground in a mine for the purpose of rendering assistance in the event of accident, meeting any danger (whether actual or apprehended) or dealing with any emergency or with work uncompleted through unusual and unforeseen circumstances which requires to be dealt with without interruption in order to avoid serious interference with ordinary work in the mine—

- (a) there shall be deemed not to be a contravention of the foregoing provisions of this Part of this Act in relation to him ; but
- (b) he shall not, after his employment for that purpose has ended on that occasion, be again employed at the mine until not less than thirteen hours have elapsed since he returned to the surface after his employment so ended.

*Miscellaneous Provisions*

**131 Register of women and young persons employed**

- (1) It shall, in the case of every mine and quarry, be the duty of the responsible person to keep at the office at the mine or quarry, or at such other place as may be approved by an inspector, a register in such form as may be specified by the Minister and to enter in that register in such form and manner as may be so specified the name, date of birth, residence and date of first employment at the mine or quarry of all women and young persons employed thereat, indicating, in the case of male young persons employed at a mine, which of them are employed below ground thereat.
- (2) It shall, in the case of every mine or quarry, be the duty of the responsible person to produce (if requested so to do) any register kept by him in pursuance of this section

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to an officer of the local education authority (or, in Scotland, the education authority) within whose area the mine or quarry is situate.

- (3) Before a male young person is first employed below ground in a mine his employer (if other than the owner of the mine) shall inform the manager of the mine or some other person appointed in that behalf by the manager, that the young person is to be so employed.

## **132 Supplemental**

- (1) For the purposes of this Part of this Act a person employed below ground in a mine shall be deemed to be so employed during the period between the time at which he is required to attend for the purpose of going below ground and the time at which he returns to the surface.
- (2) There shall be deemed to be no contravention of any provision of sections one hundred and twenty-six to one hundred and twenty-nine of this Act in relation to a person employed below ground on a shift in a mine of coal, stratified ironstone, shale or fireclay, if there would be no contravention of that provision in relation to him if he left the surface at the same time as the last workman on that shift and returned to the surface at the same time as the first workman on that shift.
- (3) This Part of this Act (except subsection (1) of section one hundred and twenty-four) shall not apply to persons holding responsible positions of management or acting as assistants to persons holding such positions or to persons engaged in clerical work above ground, being in each case persons who are not ordinarily engaged in manual work, to persons employed in, or in connection with, the sale or supply of meals or refreshments or to persons employed for the purposes of the treatment of the sick or injured.
- (4) Where—
  - (a) a male young person who has attained the age of sixteen is, by virtue of a direction under subsection (2) of section one hundred and twenty-seven of this Act, employed at a mine other than of coal or at a quarry at a time later than ten o'clock, but not later than eleven o'clock, in the evening; or
  - (b) a male young person (whether he has attained the age of sixteen or not) is employed below ground at a mine at a time at which his employment would be unlawful apart from subsection (2) of this section ;his employment at the time mentioned in paragraph (a) or, as the case may be, paragraph (b) of this subsection shall be deemed not to be in contravention of the Employment of Women, Young Persons, and Children Act, 1920.
- (5) Save as provided by the last foregoing subsection, the provisions of this Part of this Act shall be in addition to, and not in derogation of, the provisions of any other Act restricting the employment of women and young persons.