



Mines and Quarries Act 1954

1954 CHAPTER 70

PART XV

MISCELLANEOUS AND GENERAL

Repeals, Savings, Transitional Provisions, &c

185 Repeal, in part, of s. 2 of 46 and 47 Vict. c. 31

So much of section two of the Payment of Wages in Public Houses Prohibition Act, 1883, as excludes from the definition of "workman" contained in that section a person employed in a mine to which the Coal Mines Act, 1911, or the Metalliferous Mines Regulation Act, 1872, applies shall cease to have effect.

186 Repeal of s. 21 of 16 and 17 Geo. 5. c. 28

Section twenty-one of the Mining Industry Act, 1926 (which enables provision to be made for the establishment of joint committees for coal mines) shall cease to have effect.

187 Application of Part XIV of this Act to enactments relating to checkweighing and hours of work below ground

- (1) The provisions of Part XIV of this Act shall have effect as if the provisions of the Coal Mines Regulation Act, 1887, the Coal Mines (Check Weigher) Act, 1894, and the Coal Mines (Weighing of Minerals) Act, 1905 (which relate to check weighing), and of the Coal Mines Regulation Act, 1908 (which relates to hours of work below ground), were included in this Act.
- (2) Expressions used in the provisions of the said Acts to which meanings are assigned by this Act for the purposes thereof shall have those meanings for the purposes of the said provisions, and a person who is for the time being treated for the purposes of this Act as the manager of a mine shall also be treated for the purposes of the said Act of 1908 as the manager of that mine.

Status: This is the original version (as it was originally enacted).

188 Minor and consequential amendments of other enactments

The enactments specified in the Fourth Schedule to this Act shall have effect subject to the amendments respectively specified in relation thereto in that Schedule (being minor amendments and amendments consequential on the provisions of this Act).

189 General repeals

The enactments mentioned in the first and second columns of the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and Regulation sixty A of the Defence (General) Regulations, 1939, is hereby revoked.

190 Power of Minister to provide for continuance in force of certain regulations and enactments

(1) The Minister may by order made before, but expressed to come into operation at, the commencement of this Act, re-enact (to the extent to which they could, by virtue of this Act, be enacted in regulations made under section one hundred and forty-one thereof)—

- (a) provisions of any regulation having effect by virtue of section eighty-six of the Coal Mines Act, 1911, or of any order having effect by virtue of section sixty-one of that Act;
- (b) provisions of any enactment repealed by the last foregoing section in so far as that enactment is not re-enacted in this Act;

subject to such modifications (if any) as appear to him to be consequential on the passing of this Act or requisite for the purpose either of bringing those provisions into conformity with this Act or of expressly limiting their operation to mines or quarries of the class to which their operation is limited immediately before the commencement of this Act.

(2) An order under the foregoing subsection shall set out in a schedule to the order the provisions thereby re-enacted, and may direct that those provisions shall have effect as if they were regulations made under section one hundred and forty-one of this Act and provide for the mode of citation thereof and may contain provision with respect to any matters for which it appears to the Minister expedient to provide for the purposes of the transition to the provisions of the order from the provisions of the regulation, order or enactment thereby re-enacted.

(3) For the avoidance of doubt it is hereby declared that the power conferred by subsection (1) of this section extends, in a case where provision is made by this Act for the granting by regulations of exemptions from an enactment contained therein (being an enactment which re-enacts, with or without modifications, a provision of a regulation having effect by virtue of section eighty-six of the Coal Mines Act, 1911, or of an enactment repealed by the last foregoing section), to the re-enactment, by way of exemption from the first-mentioned enactment (but not to a greater extent than is authorised by this Act), of any exception or exemption subject to which the provision re-enacted had effect.

191 General savings

(1) Nothing in this Act shall affect—

- (a) any special regulation made under an enactment repealed by this Act;

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- (b) any rule made by the Mining Qualifications Board constituted under the Coal Mines Act, 1911;
- (c) any order with respect to fees, notification of accidents or the manner in which persons are to be searched, being an order made under an enactment repealed by this Act or by the said Act of 1911 ;
- (d) any rule made under section fifty of the said Act of 1911 ; or
- (e) any certificate issued, exemption, consent, approval, permission or authority granted or any other thing done under an enactment repealed by this Act;

but any such regulation, rule or order so made or any certificate, exemption, consent, approval, permission, authority or thing so issued, granted or done shall, if in force at the commencement of this Act and so far as it could have been made, issued, granted or done under this Act, have effect as if it had been so made, issued, granted or done.

- (2) Nothing in this Act shall affect any special rule established under an enactment repealed by this Act, but any such rule so established shall, if in force at the commencement of this Act and so far as it could, had it been a regulation, have been made under this Act, have effect as if it had been a regulation so made.
- (3) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment in this Act.
- (4) Any inquiry or formal investigation under section eleven or eighty-three of the Coal Mines Act, 1911, which is uncompleted at the commencement of this Act may be carried on and completed in all respects as if this Act had not passed.
- (5) Any person holding office or acting or serving under or by virtue of an enactment repealed by this Act shall continue to hold office or to act or serve as if he had been appointed under or by virtue of the corresponding enactment in this Act.
- (6) Any register kept under an enactment repealed by this Act shall be deemed part of the register to be kept under the corresponding enactment in this Act.
- (7) Nothing in this Act shall affect the definition of "mine" for the purposes of the Rating and Valuation (Apportionment) Act, 1928.
- (8) The mention of particular matters in this section shall be without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

192 Saving for persons managing certain small mines at commencement of this Act

A person who, immediately before the commencement of this Act, is, by virtue of subsection (3) of section two of the Coal Mines Act, 1911, exercising and performing, in relation to a mine of coal, stratified ironstone, shale or fireclay then exempt from the provisions of that section, the powers and duties conferred and imposed by that Act on the manager of a mine, may be manager of that mine or another mine of coal, stratified ironstone, shale or fireclay at any time at which the number of persons employed below ground in the mine does not exceed thirty and no direction is in force with respect to the mine under paragraph (b) of subsection (2) of section four of this Act or under subsection (3) of that section, notwithstanding that he does not possess the qualifications required by this Act for appointment as manager thereof.

193 Saving for common law rights of workmen, and c

No provision of this Act, of any order made thereunder or of regulations shall be construed as derogating from any rule of law with respect to the duties owed by masters to their servants (including, in particular, but without prejudice to the generality of the foregoing words, the duty to provide a safe system of working), and section one of this Act shall not be construed as derogating from any obligation imposed by or by virtue of any other provision of this Act upon the owner of a mine or quarry.

194 Commencement

This Act, except sections one hundred and seventy-two and one hundred and ninety thereof, shall come into operation on such day as the Minister may by order appoint, and those sections shall come into operation on the passing of this Act; and for the purposes of this Act and of the application thereto of section thirty-seven of the Interpretation Act, 1889 (which relates to the exercise of statutory powers between the passing and the commencement of an Act) references to the commencement of this Act shall, notwithstanding the provisions of section thirty-six of the said Act of 1889 with respect to the construction of the expression " commencement ", be construed as references to the time at which this Act, except the said sections one hundred and seventy-two and one hundred and ninety, comes into operation.

195 Short title and extent

- (1) This Act may be cited as the Mines and Quarries Act, 1954.
- (2) This Act shall not extend to Northern Ireland.