



Mines and Quarries Act 1954

1954 CHAPTER 70

PART XV

MISCELLANEOUS AND GENERAL

Supplementary Provisions

168 Division of mines

- (1) Where two or more parts of a mine are worked separately, then, if the owner of the mine by notice served on the inspector for the district so requires, each such part shall, until the notice is withdrawn by a subsequent notice served by the owner on the inspector for the district, be treated for the purposes of this Act as a separate mine:

Provided that, where the parts of a mine worked separately, or any of them, have a common system of ventilation or any part of a system of ventilation in common, a notice under this subsection requiring that each part of the mine that is worked separately shall be treated as a separate mine shall be of no effect unless it is approved by an inspector by notice served on the owner of the mine.

- (2) A notice under the foregoing subsection requiring that each part of a mine worked separately shall be treated as a separate mine shall be of no effect unless it specifies the points of separation of all roads connecting the parts of the mine that are worked separately.
- (3) If an inspector is of opinion with respect to a mine whereof parts are, by virtue of this section, for the time being treated for the purposes of this Act as separate mines, that the division of the mine prejudices or is likely to prejudice the safety or health of the persons employed thereat (or any of them), he may serve on the owner of the mine a notice directing that subsection (1) of this section shall cease to apply to the mine.

The provisions of this Part of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection.

169 Demarcation of quarries

- (1) Where it appears to an inspector that doubt exists with respect to the boundary between two adjoining quarries, he may, by notice served on the owner of the quarries in a case where the same person is owner of both quarries, or on the respective owners of the quarries in any other case, require that, before the expiration of such period as may be specified in the notice, the boundary between the two quarries shall be determined by the owner or, as the case may be, by agreement between the respective owners and as so determined shall be notified to the inspector for the district by written instrument lodged with him by the owner or owners; and the boundary as so notified in compliance with the requirements of the notice shall, subject to any subsequent variation so determined and notified, be deemed for the purposes of this Act to be the boundary between the two quarries.
- (2) In any proceedings taken in respect of the failure of the owner of one of two adjoining quarries who is not also the owner of the other quarry to comply with the requirements of a notice under the foregoing subsection, it shall be a defence to prove that the failure was solely due to his inability to reach agreement with respect to the boundary with the owner of the other quarry.

170 Provisions as to references upon notices served by inspectors

- (1) The following provisions of this section shall apply in relation to any notice served under any provision of this Act or regulations by an inspector on the owner or manager of a mine or the owner or a manager of a quarry, being a notice which is expressly declared to be one to which the provisions of this Part of this Act with respect to references upon notices served by inspectors are to apply.
- (2) If the person on whom any such notice is served or, in a case where it is served on two or more persons, any of them, by a counter-notice duly served on the inspector who served the notice demands a reference upon the notice, it shall stand referred to a person or persons selected by the nominated selector (as hereinafter defined) from amongst the members of that one of the panels of persons appointed by the Minister under this section which is appropriate to the circumstances of the case:

Provided that, if the said selector is satisfied that special reasons exist which render it expedient for him to act as referee instead of a person or persons selected as aforesaid, he may direct that the notice shall stand referred to him.

- (3) On a reference under this section upon any such notice, any of the following persons may appear in person or be represented, and may give evidence and call such witnesses as he thinks fit, that is to say:—
 - (a) any person on whom the notice was served ;
 - (b) any inspector;
 - (c) any association or body representative of a majority of the total number of persons employed at the mine or quarry to which the notice relates;
 - (d) any other persons appearing to the referee or referees to be affected by the notice or any association or body representative of any such persons.
- (4) The following provisions shall have effect with respect to the quashing or confirmation of any such notice upon a reference thereon under this section, namely,—
 - (a) if no relevant ground of objection to the notice is established to the satisfaction of the referee or referees, he or they shall confirm the notice;

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- (b) if a relevant ground of objection is so established, the referee or referees shall quash the notice unless he or they is or are of opinion that the objection can be met by modification of the notice, in which case the referee or referees shall confirm the notice subject to such modification as appears to him or them to meet the objection;

and where the notice is confirmed subject to any modification it shall take effect as modified.

- (5) For the purposes of the last foregoing subsection—
 - (a) in the case of any such notice served under a provision of this Act (other than subsection (3) of section one hundred and sixty-eight), any of the following grounds which are appropriate to the circumstances of the case shall be a relevant ground of objection, namely,—
 - (i) that compliance with a prohibition, restriction or requirement sought to be imposed by or by virtue of the notice is, wholly or to a particular extent, unnecessary, inadvisable for reasons of safety or impracticable;
 - (ii) that any period limited by the notice is insufficient for the purpose of enabling any works to be executed or other thing done ;
 - (b) in the case of a notice served under the said subsection (3), the relevant ground of objection shall be that the division of the mine to which the notice relates neither prejudices nor is likely to prejudice the safety or health of any of the persons employed at the mine;
 - (c) in the case of a notice served under any provision of regulations, the relevant ground or grounds of objection shall be such as may be prescribed.
- (6) Save as otherwise expressly provided by this Act or regulations, any such notice shall not become operative in any event until the expiration of the period within which a reference thereon may be demanded under this section or, if within that period such a reference is so demanded, until the notice is confirmed by the referee or referees.
- (7) The quashing under this section of any such notice shall neither be taken to prevent the service by an inspector of a fresh notice nor, if the notice became operative before it was quashed, affect the previous operation thereof.
- (8) The Minister may—
 - (a) constitute such number as he thinks fit of panels of persons from whom referees may be selected for the purposes of references under this section and, as respects each panel, may designate the cases in which it is to be treated for the purposes of this section as the appropriate panel;
 - (b) make rules for regulating such references and, in particular, for making provision with respect to the costs of such references (including the payment of remuneration and allowances to referees) and for specifying the form of a counter-notice under subsection (2) of this section and the period within which such a notice must be served;and different periods may be specified by rules under paragraph (b) of this subsection in relation to the service of counter-notices relating to notices served under different provisions of this Act or regulations.
- (9) The reference in subsection (2) of this section to the nominated selector shall be construed as referring to such person as may for the time being be nominated by the Minister, after consultation with the Lord Chancellor and the Lord President of the

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Court of Session, to discharge the duty of selecting referees to act upon references under this section.

171 Provisions as to knowledge by officials, and c., of Welsh language

Where the natural language of communication of the persons employed at a mine or quarry or of a substantial number of those persons is Welsh, then, in considering the qualifications of candidates for appointments required, by or by virtue of this Act, to be made in the case of that mine or quarry, regard shall be had to the possession of a knowledge of that language.

172 Power of Minister and inspectors to grant exemptions for limited period from commencement of this Act

Where the Minister is of opinion, with respect to mines or quarries of any class, that by reason of the nature or amount of work involved, or of the shortness of the period during which the mines or quarries are expected to be worked or other special circumstances affecting them, it would not be right to require compliance with a particular provision of Part III or, as the case may be, Part V of this Act forthwith after the commencement of this Act, he may by order exempt mines or quarries of that class from that provision for such period, not exceeding five years beginning with the commencement of this Act, as may be specified in the order; and where an inspector is of the like opinion with respect to a particular mine or quarry, he may by notice served on the responsible person exempt the mine or quarry from that provision for such period, not exceeding five years beginning with the commencement of this Act, as may be specified in the notice.

173 Revocation and variation of orders and rules

Any power conferred by this Act to make an order or rule shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rule.

174 Parliamentary control of orders, rules and regulations

The powers conferred by this Act on the Minister to make orders, rules and regulations and on the Minister and the Minister of Labour and National Service to make orders shall be exercisable by statutory instrument which (except in the case of special regulations or of an order expressed to relate only to a particular mine or quarry or a particular set of premises) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

175 Mode of service of notices under this Act

- (1) A notice required or authorised by or by virtue of this Act to be served on or given to an inspector may be served or given by delivering it to him or by leaving it at, or sending it by post to, his office.
- (2) A notice required or authorised by or by virtue of this Act to be served on or given to the owner of a mine or quarry may be served or given—
 - (a) where the owner is an individual, by delivering it to him, by leaving it at the office at the mine or quarry or by sending it by post addressed to him at his

- usual or last known place of abode or the proper postal address of the mine or quarry ;
- (b) where the owner is a body corporate, by delivering it to the secretary or clerk to the body at their registered or principal office or by sending it by post addressed to the secretary or clerk to the body at that office;
 - (c) where the owner is a firm, by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the office of the firm.
- (3) A notice required or authorised by or by virtue of this Act to be served on or given to the manager of a mine or a manager of a quarry may be served or given by delivering it to him, by leaving it at the office at the mine or quarry or by sending it by post addressed to him at the proper postal address of the mine or quarry.
- (4) The foregoing provisions of this section shall apply to the sending or lodging of any document as they apply to the giving of a notice.

176 Provisions as to exemptions, and c

- (1) Any power conferred by this Act or regulations on the Minister or an inspector to grant, give or impose an exemption, consent, approval, authority, direction, requirement, prohibition or restriction or to make a determination shall be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to vary or revoke the exemption, consent, approval, authority, direction, requirement, prohibition, restriction or determination.
- (2) Any exemption, consent, approval or authority granted or given under this Act or regulations by the Minister or an inspector may (subject to any express provision of this Act or regulations) be without limit of period or limited so as to expire on a specified date unless renewed, and may be absolute or conditional.

177 Fees for testing articles

The Minister may charge, in respect of the testing by him of any articles with a view to the certification or approval thereof for the purposes of this Act or regulations, such fees as he may, with the approval of the Treasury, determine.

178 Expenses and receipts

Any expenses incurred under or by virtue of this Act by the Minister shall be defrayed out of moneys provided by Parliament and any sums received under or by virtue of this Act by the Minister shall be paid into the Exchequer.

179 Application to the Crown

This Act shall apply to mines and quarries belonging to Her Majesty in right of the Crown or to a Government department or held in trust for Her Majesty for the purposes of a Government department.

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Interpretation

180 Meaning of " mine " and " quarry "

- (1) In this Act the expression " mine" means an excavation or system of excavations made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.
- (2) In this Act the expression " quarry " means an excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals, being neither a mine nor merely a well or bore-hole or a well and bore-hole combined.
- (3) For the purposes of this Act—
 - (a) there shall be deemed to form part of a mine so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the shafts or outlets of the mine as is occupied together with the mine for the purpose of, or in connection with, the working of the mine, the treatment, preparation for sale, consumption or use, storage or removal from the mine of the minerals or products thereof gotten from the mine or the removal from the mine of the refuse thereof; and
 - (b) there shall be deemed to form part of a quarry so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the quarry as is occupied together with the quarry for the purpose of, or in connection with, the working of the quarry, the treatment, preparation for sale, consumption or use, storage or removal from the quarry of the minerals or products thereof gotten from the quarry or the removal from the quarry of the refuse thereof:

Provided that there shall not, for the said purposes, be deemed to form part of a mine or quarry premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine or quarry or the preparation for sale of minerals gotten therefrom.

- (4) For the purposes of this Act premises for the time being used for depositing refuse from a single mine or quarry, being premises exclusively occupied by the owner of that mine or quarry, shall be deemed to form part of that mine or quarry, and premises for the time being used for depositing refuse from two or more mines or quarries, being premises occupied by the owner of one of those mines or quarries (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of those mines or quarries as the Minister may direct.
- (5) For the purposes of this Act a railway line serving a single mine or quarry (not being a railway line falling within subsection (3) of this section or a railway line belonging to a railway company) shall be deemed to form part of that mine or quarry and a railway line jointly serving two or more mines or quarries (not being a railway line falling within subsection (3) of this section or a railway line belonging to a railway company) shall be deemed to form part of such one of them as the Minister may direct.
- (6) For the purposes of this Act a conveyor or aerial ropeway provided for the removal from a mine or quarry of minerals gotten therefrom or refuse therefrom shall be deemed to form part of the mine or quarry.

181 Meaning of " owner "

- (1) Subject to the provisions of this section, in this Act the expression " owner " means, in relation to a mine or quarry, the person for the time being entitled to work it.
- (2) Where the working of a quarry is wholly carried out by a contractor on behalf of the person entitled to work it, the contractor shall, to the exclusion of that person, be taken for the purposes of this Act to be the owner of the quarry.
- (3) Where two or more persons are entitled to work a quarry independently, that one of those persons who is the licensor of the others shall, to the exclusion of the others, be taken for the purposes of this Act to be the owner of the quarry.
- (4) Where the business of a person who, by virtue of the foregoing provisions of this section is, for the purposes of this Act, to be taken to be owner of a mine or quarry is carried on by a liquidator, receiver or manager, or by some other person authorised to carry it on by an order of a court of competent jurisdiction, the liquidator, receiver, manager or other person shall be taken for the purposes of this Act to be an additional owner of the mine or quarry.
- (5) This section shall, in its application to Scotland, have effect as if, for subsection (3), there were substituted the following subsection:—
 - “(3) Where two or more persons are entitled to work a quarry independently, and one of them has granted the right so to do to the other or others, that one shall, to the exclusion of the other or others, be taken for the purposes of this Act to be the owner of the quarry.”

182 General interpretation provisions

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—
 - " bodily injury " includes injury to health ;
 - " central rescue station " has the meaning assigned to it by section seventy-two of this Act;
 - " contravention " includes, in relation to—
 - (a) a provision of this Act, of an order made thereunder or of regulations ; or
 - (b) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or
 - (c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector; a failure to comply with the provision, direction, prohibition, restriction, requirement or condition, and the expression " contravene " shall be construed accordingly;
 - " gas " includes fume or vapour;
 - " gravity operated rope haulage apparatus " means rope haulage apparatus worked solely by the action of gravity on a vehicle or vehicles attached to a rope forming part of the apparatus;
 - " gravity operated winding apparatus " means winding apparatus worked solely by the action of gravity on a part of it in which a load is carried ;
 - " inset " means, in relation to a shaft or outlet of a mine, a heading, chamber or other space driven or excavated from the shaft or outlet, being a heading, chamber or space to which access can only be had from the shaft or outlet and

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not being a heading, chamber or space the sole or main purpose of the driving or excavation of which is the getting of minerals or products of minerals;

" inspector " means an inspector appointed under this Act, and a reference to the inspector for the district refers, as respects a mine or quarry, to the inspector in charge of the district in which the mine or quarry is situate;

" legal proceedings " includes arbitration ;

" mechanically operated rope haulage apparatus " means rope haulage apparatus worked by a stationary engine;

" mechanically operated winding apparatus " means winding apparatus worked by a stationary engine;

" minerals " includes stone, slate, clay, gravel, sand and other natural deposits except peat;

" the Minister " means the Minister of Fuel and Power ;

" notice " means a notice in writing ;

" parent " means a parent or guardian of, or person having the legal custody of, or the control over, a young person, and includes, in relation to any young person, a person having direct benefit from his wages ;

" period of employment " means the period (inclusive of the time allowed for meals and rest) within which a person may be employed on any day ;

" permitted lights " means, in relation to a mine or a part of a mine, locked safety-lamps and any other means of lighting the use of which below ground in mines generally, in mines of a class to which that mine belongs or in that mine is authorised by regulations ;

" prescribed " has the meaning assigned to it by subsection (5) of section one hundred and forty-one of this Act;

" railway company " means any persons authorised by an enactment to construct, work or carry on a railway and includes the British Transport Commission, and for the purposes of this definition the expression " enactment " includes a provision of an order or scheme made under or confirmed by an Act;

" regulations ", " general regulations " and " special regulations " have the meanings respectively assigned to them by subsection (5) of section one hundred and forty-one of this Act;

" responsible person " means, in relation to a mine, the manager thereof and, in relation to a quarry, the owner thereof;

" road " does not include an unwalkable outlet;

" rope " includes chain;

" rope haulage apparatus " means apparatus for transporting loads in vehicles attached to ropes;

" safety-lamp mine " means a mine in no part of which below ground is the use of lamps or lights other than permitted lights lawful;

" safety-lamp part of a mine " means a part of a mine other than a safety-lamp mine, being a part below ground in which either the use of lamps or lights other than permitted lights is unlawful or safety-lamps are for the time being in use by way of temporary precaution ;

" sanitary conveniences " includes urinals, water-closets, earth-closets, ash-pits, privies and any similar convenience ;

" shaft " means a shaft the top of which is, or is intended to be, at the surface;

" staple-pit " includes winze ;

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" statutory responsibilities " means responsibilities under this Act, orders made thereunder and regulations;

" support rules " has the meaning assigned to it by subsection (1) of section fifty-four of this Act;

" transport rules " has the meaning assigned to it by subsection (1) of section thirty-seven of this Act;

" unwalkable outlet " means an outlet which, owing to the gradient thereof or of any part thereof (whether alone or in combination with other circumstances), persons cannot walk up with reasonable convenience;

" week " means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

" winding apparatus " means, in relation to a mine shaft or staple-pit, apparatus for lowering and raising loads through the shaft or staple-pit;

" woman " means a woman who has attained the age of eighteen;

" young person " means a person who is over compulsory school age but has not attained the age of eighteen.

- (2) For the purposes of this Act mine workings having a common system of ventilation, or any part of a system of ventilation in common, shall be deemed to form part of the same mine.
- (3) For the purposes of this Act—
- (a) the working of a mine shall be deemed to include the operation of driving a shaft or outlet therefor;
 - (b) the working of a quarry shall be deemed to include the operation of removing overburden thereat;
 - (c) a mine or quarry shall be deemed to be worked notwithstanding that the only operations carried on thereat are operations carried on with a view to abandoning the mine or quarry or for the purpose of preventing the flow therefrom into an adjacent mine or quarry of water or material that flows when wet, but shall not be deemed to be worked by reason only that pumping operations are carried on thereat for the purpose of supplying water to any person.
- (4) References in this Act to the use of safety-lamps by way of temporary precaution shall, in relation to a mine, be construed as references to the occasional or intermittent use of locked safety-lamps by workmen employed below ground in the mine in a place in which the use of naked lights might be dangerous and, in relation to a part of a mine below ground, be construed as references to the occasional or intermittent use of locked safety-lamps by workmen employed in that part in such a place.
- (5) References in this Act to any other enactment shall be construed as references to that enactment as amended, extended or applied by or under any subsequent enactment including, except where the context otherwise requires, this Act.

183 Application of Act to training mines

- (1) For the purposes of this Act an excavation or system of excavations made for training purposes shall be deemed to be a mine, and the use for those purposes of any premises which are a mine as defined by subsection (1) of section one hundred and eighty of this Act or are, by virtue of this section, deemed to be a mine shall be deemed, for the purposes of this Act, to constitute the working of the mine ; but the Minister

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may by order direct that this Act shall, in its application to any such premises as aforesaid which are used exclusively for training purposes, have effect subject to such exceptions, adaptations and modifications as may be specified in the order.

- (2) In this section the expression "training purposes " means the purposes of instructing or training below ground persons in, or in any work connected with, mining minerals.

Relationship of Factories Acts and this Act in case of certain premises

184 Relationship of Factories Acts and this Act in case of certain premises

- (1) None of the provisions of the Factories Acts, 1937 and 1948, shall apply to any premises forming part of a mine or quarry.
- (2) In the case of any premises to which all or any of the provisions of the Factories Acts, 1937 and 1948, would apply but for subsection (1) of this section, the Ministers may by order direct that that subsection shall not apply to the premises and that the premises shall be treated for the purposes of this Act as not forming part of a mine or quarry.
- (3) In the case of any premises to which all or any of the provisions of the Factories Acts, 1937 and 1948, apply, being premises which, but for the proviso to subsection (3) of section one hundred and eighty of this Act, would be deemed for the purposes of this Act to form part of a mine or quarry, the Ministers may by order direct that neither any of the provisions of those Acts nor that proviso shall apply to the premises.
- (4) In the case of premises which are a factory within the meaning of the Factories Acts, 1937 and 1948, or to which all or any of the provisions of those Acts apply as if the premises were such a factory, being premises which, though not forming part of a mine or quarry, are occupied by the owner of a mine or quarry and used solely for the purpose of the provision or supply for or to a single mine or quarry, or jointly for or to more than one mine or quarry, of services or electricity, the Ministers may by order direct that, while the order is in force, none of the provisions of the Factories Acts, 1937 and 1948, shall apply to the premises and the premises shall be deemed for the purposes of this Act to form part of the mine or quarry or, as the case may be, of such one of them as may be specified in the order.
- (5) References in subsections (1) to (4) of this section to provisions of the Factories Acts, 1937 and 1948, shall be construed as exclusive of references to sections one hundred and seven and one hundred and eight of the Factories Act, 1937 (which respectively apply other provisions of that Act to building operations undertaken by way of trade or business or for the purposes of any industrial or commercial undertaking and to works of engineering construction so undertaken) and to the other provisions of those Acts in so far as, by virtue of the said sections one hundred and seven and one hundred and eight, they are applicable to such operations or works ; but—
- (a) the said section one hundred and seven shall not apply to any building operations undertaken below ground in a mine ; and
 - (b) the said section one hundred and eight shall not apply to any works of engineering construction undertaken at a mine (whether above or below ground) or at a quarry.
- (6) Where any machinery or apparatus is situate partly in a mine or quarry and partly in a factory within the meaning of the Factories Acts, 1937 and 1948, the Ministers may by order direct that it shall be deemed, for the purposes of this Act and the Factories Acts, 1937 and 1948, either to be wholly situate in the mine or quarry and not to be

situate in the factory or to be wholly situate in the factory and not to be situate in the mine or quarry.

- (7) In this section the expression " the Ministers " means the Minister and the Minister of Labour and National Service and references to building operations and works of engineering construction shall be construed in like manner as if they were references contained in the Factories Act, 1937.

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.

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;
- (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

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

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.