



Mines and Quarries Act 1954

1954 CHAPTER 70

PART XIV

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

152 Offences

- (1) In the event of a contravention, in relation to a mine, of—
- (a) a provision of this Act, of an order made thereunder or of regulations, not being a provision which expressly provides that a person is to be guilty of an offence; 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;

each of the following persons shall, subject to the following provisions of this Act, be guilty of an offence, namely, the owner of the mine, any person to whom written instructions have been given by the owner in pursuance of section one of this Act specifying as, or including amongst, the matters with respect to which that person is charged with securing the fulfilment in relation to the mine of statutory responsibilities of the owner, matters of the class to which the provision, direction, prohibition, restriction, requirement or condition relates, the manager of the mine, any person who is for the time being treated for the purposes of this Act as the manager, every under-manager of the mine and any person who is for the time being treated for the purposes of this Act as an under-manager thereof.

- (2) In the event of a contravention, in relation to a quarry, of—
- (a) a provision of this Act or of regulations, not being a provision which expressly provides that a person is to be guilty of an offence; 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;

Status: This is the original version (as it was originally enacted).

each of the following persons shall, subject to the following provisions of this Act, be guilty of an offence, namely, the owner of the quarry, any person to whom written instructions have been given by the owner in pursuance of section one of this Act specifying as, or including amongst, the matters with respect to which that person is charged with securing the fulfilment in relation to the quarry of statutory responsibilities of the owner, matters of the class to which the provision, direction, prohibition, restriction, requirement or condition relates, every manager of the quarry and any person who is for the time being treated for the purposes of this Act as a manager thereof:

Provided that—

- (i) neither a manager of a quarry who is not the sole manager thereof nor a person who is for the time being treated for the purposes of this Act as such a manager shall, by virtue of this subsection, be guilty of an offence by reason of any such contravention which took place in, or in relation to, a part of the quarry to which his jurisdiction did not, at the time of the contravention, extend; and
 - (ii) neither a sole nor any other manager of a quarry nor a person who is for the time being treated for the purposes of this Act as a manager thereof shall, by virtue of this subsection, be guilty of an offence which consists of such a contravention as aforesaid with regard to a matter responsibility for which is duly reserved to the owner in pursuance of section one hundred of this Act.
- (3) In the event of a contravention, in relation to a mine, by a person other than one mentioned in subsection (1) of this section, of such a provision as is mentioned in paragraph (a) of that subsection, being a provision which expressly imposes on that person or on persons of a class to which he belongs a duty or requirement or expressly prohibits him or persons of a class to which he belongs or all persons from doing a specified act, the person who contravened that provision, as well as the persons mentioned in the said subsection (1), shall be guilty of an offence, and in the event of a contravention, in relation to a quarry, by a person other than one mentioned in subsection (2) of this section, of such a provision as is mentioned in paragraph (a) of that subsection, being a provision which expressly imposes on that person or on persons of a class to which he belongs a duty or requirement or expressly prohibits him or persons of a class to which he belongs or all persons from doing a specified act, the person who contravened that provision, as well as the persons mentioned in the said subsection (2), shall be guilty of an offence.
- (4) Neither the manager of a mine as such, nor a manager of a quarry as such, nor a person who is for the time being treated for the purposes of this Act as the manager of a mine or a manager of a quarry, nor an under-manager of a mine, nor a person who is for the time being treated for the purposes of this Act as such an under-manager shall, by virtue of subsection (1) or (2) of this section, be guilty of an offence by reason of a contravention by the owner of the mine or quarry of—
- (a) any provision of this Act, of an order made thereunder or of regulations, being a provision which expressly imposes on the owner of the mine or quarry a duty or requirement or a prohibition ; or
 - (b) any prohibition, restriction or requirement which, by virtue of a notice served under or by virtue of this Act by an inspector, is expressly imposed on the owner of the mine or quarry;
- or of a contravention of section three or one hundred and one of this Act.