



**AN BILLE UM MIANAIGH AGUS CAIREIL, 1964**  
**MINES AND QUARRIES BILL, 1964**

*Mar a ritheadh ag dhá Theach an Oireachtais*  
*As passed by both Houses of the Oireachtas*

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**MARGINAL ABBREVIATIONS**

1872	=	Metalliferous Mines Regulation Act, 1872.
1875	=	Metalliferous Mines Regulation Act, 1875.
1887	=	Coal Mines Regulation Act, 1887.
1894, c.42	=	Quarries Act, 1894.
1894, c.52	=	Coal Mines (Check Weigher) Act, 1894.
1905	=	Coal Mines (Weighing of Minerals) Act, 1905.
1906	=	Notice of Accidents Act, 1906.
1908	=	Coal Mines Regulation Act, 1908.
1911	=	Coal Mines Act, 1911.
1914	=	Coal Mines Act, 1914.
1920, c.50	=	Mining Industry Act, 1920.
1920, c.65	=	Employment of Women, Young Persons and Children Act, 1920.
1936, No. 2	=	Conditions of Employment Act, 1936.
1955, No. 10	=	Factories Act, 1955.



AN BILLE UM MIANAIGH AGUS CAIREIL, 1964  
MINES AND QUARRIES BILL, 1964

**BILL**

*entitled*

AN ACT TO CONSOLIDATE, WITH AMENDMENTS, ENACT- 5  
MENTS RELATING TO MINES AND QUARRIES.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

PART I

PRELIMINARY AND GENERAL

Short title.

1.—This Act may be cited as the Mines and Quarries Act, 1965. 10

Commencement.

2.—This Act shall come into operation on such day or days as shall be fixed therefor by order or orders of the Minister either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions of this Act. 15

Meaning of  
“mine” and  
“quarry”.

(1872, s. 41 ;  
1894, c. 42, s. 1 ;  
1911, s. 122.)

3.—(1) In this Act “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. 20

(2) In this Act “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. 25

(cf. 1955, No. 10,  
s. 128.)

(3) “Mine” and “quarry” include, respectively, any place on the surface surrounding or adjacent to the shafts of the mine or to the quarry occupied together with the mine or quarry for the storage or removal of the minerals or for the purposes of a process ancillary to the getting of minerals, including the breaking, crushing, grinding, screening, washing or dressing of such minerals but, subject thereto, does not include any place at which any manufacturing process is carried on. 30

(4) For the purposes of this Act, any place occupied by the owner of a mine or quarry and used for depositing refuse from it shall form part of the mine or quarry, but any place so used in 35

connection with two or more mines or quarries, and occupied by the owner of one of them, or by the owners of any two or more in common, shall be deemed to form part of such one of those mines or quarries as the Minister may direct.

5 (5) For the purposes of this Act any line or siding (not being part of a railway) serving a mine or quarry shall form part of the mine or quarry, but, if serving two or more of them, shall be deemed to form part of such one of them as the Minister may direct.

10 (6) For the purposes of this Act a conveyor or aerial ropeway provided for the removal from a mine or quarry of minerals or refuse shall form part of the mine or quarry.

4.—(1) In this Act "owner" means, in relation to a mine or quarry, the person for the time being entitled to work it.

Meaning of  
"owner".  
(1872, s. 41;  
1911, s. 122).

15 (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.

25 (4) Where the business of a person who, by virtue of the foregoing provisions, is 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 order of court, 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.—(1) In this Act, unless the context otherwise requires—

Interpretation  
generally.

30 "bodily injury" includes injury to health;

"child" means a person who is under the school-leaving age;

"contravention" includes, in relation to—

(a) a provision of this Act, of an order made thereunder or of regulations, or

35 (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

40 (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 "contravene" shall be construed accordingly;

"gas" includes fume or vapour;

45 "general regulations" means regulations other than those applicable to a particular mine or quarry only;

"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;

50 "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;

- “ inspector ” means an inspector appointed under this Act;
- “ 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; 5
- “ minerals ” includes stone, slate, clay, gravel, sand and other natural deposits except peat;
- “ the Minister ” means the Minister for Industry and Commerce;
- “ notice ” means a notice in writing; 10
- “ parent ” means, in relation to a child or young person, the individual having the legal custody of the child or young person and where, owing to the absence of that individual or for any other reason, the child or young person is not living with or in the actual custody of that individual, includes the individual with whom the child or young person is living or in whose actual custody the child or young person is; 15
- “ 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; 20
- “ 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; 25
- “ prescribed ” means prescribed by regulations;
- “ railway ” means any railway used for the purposes of public traffic whether passenger, goods or other traffic and includes any works of the body corporate managing and controlling the railway which are connected with the railway; 30
- “ regulations ” means regulations made by the Minister;
- “ responsible person ” means, in relation to a mine, the manager and, in relation to a quarry, the owner;
- “ road ” includes part of a road but does not include an unwalkable outlet; 35
- “ rope ” includes chain;
- “ rope haulage apparatus ” means apparatus for transporting loads in vehicles attached to ropes;
- “ sanitary conveniences ” includes urinals, water-closets, earth-closets, ash-pits, privies and any similar convenience; 40
- “ the school-leaving age ” means the age at which the School Attendance Act, 1926, ceases to apply;
- “ shaft ” means a shaft the top of which is, or is intended to be, at the surface;
- “ special regulations ” means regulations applicable to a particular mine or quarry only; 45
- “ staple-pit ” includes winze;
- “ statutory responsibilities ” means responsibilities under this Act, orders made thereunder and regulations;
- “ support rules ” means rules made under *section 55* for any of the purposes of the sections relating to support in mines; 50

(1955, No. 10,  
s. 2 (1))

1926, No. 17.

“ travelling road ” means a length of road in a mine, used for the purpose of walking to or from working places;

“ 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 whose age is not less than eighteen years;

“ young person ” means a person who has reached the school-leaving age but is less than eighteen years of age.

(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 enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Act.

6.—This Act applies to mines and quarries belonging to or in the occupation of the State in the same manner as it applies to mines and quarries generally. **Application to State.**

7.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. **Expenses.**

8.—Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made **Laying of regulations before Houses of Oireachtas.**

and, if a resolution annulling the regulation is passed by either House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

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Consultation with Minister for Health as to health regulations.

9.—Regulations under this Act in regard to the health of persons employed shall be made by the Minister only after consultation with the Minister for Health.

Repeals.

10.—The Acts mentioned in the *First Schedule* are hereby repealed to the extent specified in the third column of the Schedule.

Continuance of instruments, office-holders and registers.

(1955, No. 10, s. 8)

11.—(1) Any order, regulation, rule, certificate, exemption, consent, approval, permission, notice or authority made or given under any enactment repealed by this Act and in force immediately before the commencement of this Act shall continue in force and shall have effect as though it had been made or given under this Act and, in so far as it could have been made or given under a particular provision of this Act, shall be deemed to have been made or given under that provision.

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(2) Any such order, regulation or rule made under a power which is exercisable under a corresponding provision of this Act by a different class of instrument shall be deemed to be an instrument of that class.

20

(3) 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 the corresponding provision of this Act.

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(4) Any register kept under an enactment repealed by this Act shall be deemed part of the register to be kept under the corresponding provision of this Act.

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1937, No. 38.

(5) The provisions of this section are without prejudice to the general application of section 21 of the Interpretation Act, 1937, as to the effect of repeals.

## PART II

### MANAGEMENT AND CONTROL OF MINES AND QUARRIES 35

#### *Mine and Quarry Owners*

General duties of mine and quarry owners.

12.—(1) It shall be the duty of the owner of every mine and quarry to secure that the mine or quarry is planned, laid out, managed and worked in accordance with this Act and with the orders and regulations and to comply with all requirements thereunder.

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(2) The owner shall give written instructions to every person appointed by him for the purpose of securing the fulfilment of the owner's statutory duties defining that person's responsibilities.

(3) The owner shall forthwith send a copy of such instructions to an inspector and to the manager of the mine or quarry.

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*Mine Managers and other Officials*

13.—(1) Subject to this Part, no mine shall be worked unless there is a sole manager of the mine, being an individual duly appointed and having such qualifications as are required under this Part.

Appointment,  
and general duties  
and powers, of  
mine managers,  
(1872, s. 41 ;  
1911, s. 2)

(2) The manager of a mine shall have the management and control of the mine, exercisable subject to any instructions given to him by or on behalf of the owner, and shall also—

(a) have the duty of securing the discharge by all others of obligations imposed on them with respect to the mine under this Act, and

(b) have such duties with respect to the appointment of persons to carry out inspections of the mine and to be in charge of, or to supervise or conduct, operations thereat, and such other duties, and such powers, as are imposed or conferred on him under this Act.

(3) It shall be the duty of the manager of every mine, with respect to each report, record or other item of information which, in pursuance of this Act or regulations, is entered in a book which by or by virtue of this Act is required to be provided for that purpose by the owner of the mine, either to read it himself forthwith or to secure that it is read forthwith by some other competent person and that there is promptly brought to his notice any matter disclosed by the report, record or other item of information which either is of an abnormal or unusual nature as regards the mine or, not being of such a nature, is of a kind which will or may necessitate the taking of any steps by the manager or any other person.

(4) The manager of a mine shall be appointed by the owner who, if an individual, may appoint himself subject, in the case of a mine whereof the manager is under this Part required to hold qualifications for his office, to the possession by the owner of those qualifications.

14.—(1) Any instructions given to the manager of a mine by or on behalf of the owner, affecting the fulfilment by the manager of his statutory responsibilities, shall, so far as they are not written, be confirmed in writing, by the person by whom they were given, forthwith on the request of the manager.

Rights of mine  
manager with  
respect to  
instructions given  
by or on behalf  
of owner.  
(New)

(2) Except in a case of emergency, neither the owner of a mine nor a person acting on his behalf shall, except with the consent of the manager, give, otherwise than through the manager, any instructions to a person employed at the mine who is responsible to the manager.

(3) Where, in any excepted case, the owner of a mine or a person acting on his behalf gives instructions which would otherwise be required to be given through the manager, the person who gave the instructions shall forthwith inform the manager of the substance thereof and, on the request of the manager, confirm them in writing forthwith.

(4) Where, in the case of a mine whereof the manager is under this Part required to hold qualifications for his office, instructions are given by or on behalf of the owner to the manager, or a person appointed by the manager in pursuance of this Act or regulations, then, if the manager is of opinion that the execution of the instructions would or might be likely to prejudice the safety or health of the persons employed at the mine (or any of them) or to impede

him in the discharge, in relation to the mine, of any duty imposed on him by or by virtue of this Act, he may,—

(a) in a case where the instructions are given to him, decline to execute them until they are confirmed in writing by a person qualified for appointment as manager of the mine who is authorised in writing by the owner to confirm instructions so given, 5

(b) in any other case, direct that the instructions be not executed until they are so confirmed by such a person.

(5) *Subsection (4)* shall not apply to instructions given by an owner of a mine who is an individual qualified for appointment as manager of such a mine or by such a person as is mentioned in *paragraph (a)* of that subsection. 10

(6) Where, in the case of a mine to which *subsection (4)* applies, instructions are given and confirmed as therein mentioned, the document by which they are confirmed shall be preserved by the manager, and a copy of that document shall be preserved by the owner, in each case for three years after the instructions cease to be operative. 15

Qualifications of mine manager.

(1911, s. 5)

15.—No person shall be qualified to be appointed or to be the manager of a mine at which more than fourteen persons are employed below ground unless he has attained such age, possesses such qualifications and satisfies such other conditions as may be prescribed. 20

Daily supervision by mine managers.

(1911, s. 3)

16.—(1) No mine shall be worked unless daily personal supervision thereover is exercised by the manager or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner of the mine (and having such qualifications (if any) as may be prescribed) to exercise such supervision during any such period. 25

(2) *Subsection (1)* shall not authorise the working of a mine under the supervision of a person other than the manager for any period exceeding seventy-two days (or such longer period as an inspector may allow). 30

(3) A person appointed under *subsection (1)* shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act, orders made thereunder and regulations in all respects as if he were the manager of the mine but nothing in this subsection shall be construed as divesting the manager of any power, or relieving him from any duty or liability, conferred or imposed on him by or by virtue of this Act. 35 40

Deputies.

(1911, ss. 14, 15)

17.—(1) Provision may be made by regulations—

(a) for imposing, in relation to a mine, such requirements as to the carrying out, by competent persons (each of whom is in this Act referred to as a "deputy") appointed for the purpose by the manager of the mine and having such qualifications as may be prescribed, of inspections of the mine as the Minister thinks proper to impose to secure the safety and health of the persons employed; 45 50

(b) for providing that, subject to any exceptions for which provision may be made by the regulations, deputies shall have the immediate charge of the persons employed at the mine and of the operations carried on by them;

- (c) for prescribing any additional duties to be discharged by deputies and for requiring that, subject to any prescribed exceptions, deputies shall devote the whole of their time to the discharge of their duties; and
- 5 (d) for requiring or authorising the delimitation in a mine of districts for the purpose of the discharge by deputies of their duties, for requiring that where districts are delimited no deputy shall have charge of more than one district and for relating to each district the duties
- 10 of the deputy in charge of it.

(2) It shall be the duty of the manager of the mine to secure that the number of deputies is sufficient to secure the efficient discharge of their duties.

15 18.—(1) It shall be the duty of the manager of every mine to appoint such number of officials, engineers and technicians and other competent persons as is sufficient (taking into account activities undertaken in person by the manager and by any persons so appointed) to secure—

Other officials,  
engineers,  
technicians, etc.  
(New)

- (a) the adequate inspection of the mine and its equipment,
- 20 (b) the thorough supervision of all operations at the mine, and
- (c) the carrying on of the undertaking of the mine in conformity with this Act.

(2) Regulations may require the manager of a mine to appoint such officials, engineers or technicians or other competent persons as may be prescribed, for the purpose of supervising, inspecting or conducting prescribed operations or matters, and the regulations may prescribe the qualifications to be held and the duties to be discharged by such persons.

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30 19.—It shall be the duty of the manager of every mine to ensure to the best of his ability that every person appointed by him in pursuance of this Act or of regulations understands the nature and scope of his duties.

Duty of mine manager to ensure that persons appointed by him understand their duties.  
(New)

35 20.—Where a mine or any part thereof is worked, or any operations in a mine are carried on, by a contractor, and a person is under this Part required to hold qualifications for appointment as manager or deputy, neither the contractor nor a person employed by him shall be capable of being appointed to such office notwithstanding that, apart from this section, he is qualified for appointment thereto.

Disqualification of contractors and their employees for appointment as managers or deputies of mines.  
(1911, s. 27)

40 *Plans*

21.—(1) Regulations may require the manager of a mine to keep at the office at the mine or at some other place approved by an inspector—

Plans.  
(1872, s. 14;  
1911, ss. 20-22,  
27)

45 (a) accurate plans of all the workings (whether abandoned or not) in the mine or within, or within a prescribed distance from, the boundaries of the mine or of such of those workings as may be prescribed,

50 (b) accurate sections of the seams or veins for the time being worked in the mine and of all the strata overlying them,

in such form and manner and complying with such conditions as may be prescribed.

(2) It shall be the duty both of the owner and of the manager, and of such other persons as may be prescribed, to afford to the person preparing any plan or section all such information and facilities as he may need for the purpose. 5

(3) Regulations may require, in the case of the abandonment or disuse of a mine or of a seam or vein in a mine, the owner to send to an inspector such plans and sections relating thereto and to the overlying strata, in such circumstances, within such time, in such form and manner and complying with such conditions as may be prescribed. 10

Faulty plans.

22.—(1) If it appears to the Minister that—

(1911, s. 23)

(a) any plan or section to which *section 21* applies is inaccurate, incomplete, dilapidated or wholly or partly indecipherable or that a plan or section required to be sent to an inspector has not been sent within the prescribed time, and 15

(b) that, in the interests of safety, it is desirable for a new plan or section to be made, 20

the Minister may appoint a person (in this section referred to as "the surveyor") to make a new plan or section.

(2) The owner and the manager shall afford to the surveyor all such facilities and information as he may need.

(3) The cost of making the new plan or section, or such part of the cost as the Minister thinks proper, shall be recoverable by the Minister from the owner. 25

*Quarry Managers and other Officials*

Appointment of quarry managers. (New)

23.—(1) Subject to this Part, no quarry shall be worked unless there is a sole manager of the quarry, being an individual. 30

(2) The manager shall be appointed by the owner who, if an individual, may appoint himself.

General powers and duties of quarry managers.

(1894, c. 42, s. 2)

24.—(1) Subject to *section 25*, the manager of a quarry shall have the management and control of the quarry, exercisable subject to any instructions given to him by or on behalf of the owner, and shall also have the duty of securing the discharge by all others of obligations imposed on them with respect to the quarry by or under the following provisions of this Part. 35

(2) It shall be the duty of the manager of a quarry, with respect to each report, record or other item of information which in pursuance of this Act or regulations is entered in a book which by or by virtue of this Act is required to be provided for that purpose by the owner of the quarry, either to read it himself forthwith or to secure that it is read forthwith by some other competent person and that there is promptly brought to his notice any matter disclosed by the report, record or other item of information which relates to a matter over which the management and control vested in him by this section extends and either is of an abnormal or unusual nature as regards the quarry or, not being of such a nature, is of a kind which will or may necessitate the taking of any steps by the manager or any other person. 40 45 50

25.—(1) There shall be excepted from the management and control vested in the manager by *section 24* any matter responsibility for which is for the time being reserved to himself by the owner by instrument in writing executed by him and lodged with  
5 the inspector and the manager shall not, as regards any matter so excepted, be concerned to secure compliance with any requirement imposed with respect to the quarry by or under this Act.

Power of quarry owner to exclude matters from manager's control.

(New)

(2) If the inspector is of opinion that reservation to the owner, by any such instrument, of responsibility for any particular matter  
10 is, or might be, likely to prejudice the safety or health of persons employed at the quarry, the inspector may, by notice served on the owner, direct that the instrument shall, to the extent of the reservation, be of no effect.

(3) Nothing in *subsection (1)* shall be construed as authorising  
15 the divestment of, or as operating to divest, a manager of a quarry of any duty expressly imposed on him by or under the following provisions of this Part.

(4) Where responsibility for any matter is for the time being  
20 duly reserved to the owner of a quarry, it shall be his duty, with respect to each such report, record or other item of information as aforesaid, either to read it himself forthwith or to secure that it is read forthwith by some other competent person and that there is promptly brought to his notice any matter disclosed by the report, record or other item of information which relates to the matter  
25 responsibility for which is so reserved and either is of an abnormal or unusual nature as regards the quarry or, not being of such a nature, is of a kind which will or may necessitate the taking of any steps by the owner or any other person.

26.—(1) Any instructions given to the manager of a quarry  
30 by or on behalf of the owner, affecting the fulfilment by the manager of his statutory responsibilities shall, so far as they are not written, be confirmed in writing by the person by whom they were given forthwith on the request of the manager.

Rights of quarry manager with respect to instructions given by or on behalf of owner.

(New)

(2) Except in a case of emergency, neither the owner of a  
35 quarry nor a person acting on his behalf shall, except with the consent of the manager, give, otherwise than through the manager, to a person employed at the quarry who is responsible to the manager, any instructions affecting the discharge of that person's duties in relation to a matter over which the management and  
40 control vested in the manager by *section 24* extends.

(3) Where, in any excepted case, the owner or a person acting  
45 on his behalf gives instructions which would otherwise be required to be given through the manager, the person who gave the instructions shall forthwith inform the manager of the substance thereof and, on the request of the manager, confirm them in writing forthwith.

27.—(1) No quarry shall be worked unless close and effective  
50 supervision over all operations in progress thereat is exercised by the manager or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner to exercise such supervision during any such period.

Supervision by quarry manager

(New)

(2) Nothing in *subsection (1)* shall require the supervision to be  
55 exercised by the manager to extend to any operation in so far as it involves matters which, under *section 25*, are excepted from his management and control.

(3) The person appointed shall, while so acting, be treated for the purposes of this Act in all respects as if he were the manager.

(4) Nothing in *subsection (3)* shall divest the manager of any power, or relieve him from any duty or liability, conferred or imposed on him by or under this Act.

5

Power to require qualified manager where certain quarrying operations are carried on.

(New)

**28.**—Regulations may prohibit the carrying on at a quarry of operations of a prescribed class unless the manager has prescribed qualifications, and any such regulations may—

(a) provide for temporary exemptions from the prohibition to avoid, in the case of the manager's ceasing to hold office, sudden cessation of the carrying on at the quarry of operations of that class, and 10

(b) provide that *section 27* shall not authorise the appointment of any person to exercise supervision over such operations unless that person has the prescribed qualifications. 15

Officials, etc.

(New)

**29.**—Regulations may require the appointment by owners or managers of quarries, for the purpose of supervising, inspecting or conducting prescribed operations or matters, of such officials, engineers or technicians or other competent persons as may be prescribed, and the regulations may prescribe the qualifications to be held and the duties to be discharged by such persons. 20

#### *Provisions as to Appointments by Mine and Quarry Owners.*

Temporary appointments during vacancy in office of mine or quarry manager.

(New)

**30.**—(1) Where the manager of a mine or quarry dies, resigns or otherwise ceases to hold office, nothing in *section 13* or *23* shall prevent the mine or quarry being worked at any time during a period not exceeding seventy-two days (or such longer period as an inspector may allow) until a successor is appointed, if at that time there is a person appointed by the owner to exercise and perform, in the event of the manager's ceasing to hold office, his powers and duties until a successor is appointed. 30

(2) The person appointed shall, while so acting, be treated for the purposes of this Act in all respects as if he were the manager.

Notification to inspector of appointments by mine or quarry owners.

(New)

**31.**—Forthwith after the appointment by the owner of a mine or quarry of a person to be a manager, or to exercise and perform the powers and duties of manager during a vacancy, or to exercise supervision during a period when the manager is absent or unable to exercise supervision, the owner shall give to the inspector notice, in such form as may be specified by the Minister, of the making of the appointment and of the name and address of the person appointed. 35 40

### PART III

#### SAFETY, HEALTH AND WELFARE (MINES)

##### *Shafts and Entrances*

Requirements as to shafts and outlets: mines of coal and other stratified minerals. (1911, s. 36)

**32.**—(1) There must be in every mine of coal or other stratified mineral at least two shafts or outlets, with which every seam for the time being at work in the mine shall have a communication, so that such shafts or outlets shall afford separate means of ingress and egress available to the persons employed in every such seam, 45

whether the shafts or outlets belong to the same mine or to more than one mine.

5 (2) Such two shafts or outlets must not at any point be nearer to one another than fifteen yards, and there shall be between them a communication not less than four feet wide and four feet high.

10 (3) Every part of the mine in which ten or more persons are employed at the same time shall be provided with at least two ways affording means of egress to the surface, and so arranged that, in the event of either becoming impassable at any point, the other will afford means of egress to the surface.

15 (4) No person shall be precluded by any agreement from doing such acts as may be necessary for complying with the foregoing provisions of this section, or be liable under any contract to any injunction, damages, penalty, or forfeiture for doing such acts as may be necessary in order to comply therewith.

(5) Regulations may provide that this section shall, with such exceptions, modifications and adaptations as may be prescribed, apply to any other class of mine.

20 (6) Regulations may provide such further safeguards as the Minister may think proper to secure safe ingress and egress, including requirements as to the communications to be provided and maintained between shafts and outlets and limitations on the number of persons to be employed at any time in a place below ground from which there are not two separate, convenient and 25 safe ways each leading to a different shaft or outlet.

(7) Provision may be made by regulations or by a notice served by the Minister or an inspector on the owner of a mine for exempting the mine or any specified place therein from all or any of the requirements of this section or of regulations made thereunder.

30 **33.**—(1) Every shaft and unwalkable outlet for the time being in use at a mine of coal or other stratified mineral for bringing persons to and from the surface shall be provided with apparatus for carrying persons between the top of the shaft, or surface 35 entrance to the outlet, and the entrances to the workings and between those entrances themselves. Provision of winding and haulage apparatus. (1911, s. 40)

40 (2) (a) Every shaft and unwalkable outlet for the time being in use at any other mine for bringing persons to and from the surface shall be provided with apparatus for carrying persons between the top of the shaft or surface entrance to the outlet and the entrances to the workings and between those entrances themselves, if the relevant distance exceeds one hundred and fifty feet.

45 (b) In this subsection "relevant distance" means, in the case of a shaft, the distance between the top of the shaft and the bottom of the lowest entrance to the shaft provided for affording to persons access to the shaft and, in the case of an outlet, the distance between the point at which the outlet reaches the surface and the underground entrance provided for affording to persons 50 access to the outlet which is furthest from that point.

(c) An inspector may by notice served on the manager of a mine exempt from this subsection a shaft or outlet provided at the mine.

55 (3) The apparatus shall comply with such requirements as may be prescribed.

(4) The use of the apparatus shall be confined to the shaft or outlet, unless an inspector in any particular case, by notice served on the manager of the mine, consents to its use not being so confined.

(5) All apparatus shall be properly maintained and, when not in use, kept constantly available for use.

5

Securing of shafts and staple-pits.

(1911, s. 38)

**34.**—(1) Every mine shaft and staple-pit shall, save in so far as the natural conditions of the strata through which it passes render it unnecessary (either as to the whole or as to any part thereof) so to make it, be made secure, and shall be kept secure.

In any prosecution for a contravention of this subsection it shall be a defence to prove that at the time of the alleged contravention no insecure part of that shaft or staple-pit was in use or was the site of any operations in progress by way of driving or extending the shaft or staple-pit.

10

(2) *Subsection (1)* shall apply to unwalkable outlets at a mine as it applies to mine shafts.

15

Safety precautions with respect to entrances to shafts, staple-pits and outlets.

(1911, s. 37)

**35.**—(1) The surface entrance to every mine shaft and every other entrance thereto (whether above or below ground), and every entrance to every staple-pit, shall be provided with an efficient enclosure or barrier so designed and constructed as to prevent any person from accidentally falling down the shaft or staple-pit or accidentally coming into contact with a moving part of any winding apparatus with which the shaft or staple-pit is provided.

20

(2) Every enclosure or barrier shall be properly maintained and, where it or any part of it is removable or openable, the enclosure, barrier or part shall be kept securely in position or, as the case may be, securely closed save in so far as its removal or opening is necessary for the purpose of the use of the shaft or staple-pit, or the doing of work in, or the inspection of, or of anything in, the shaft or staple-pit.

30

(3) Regulations may require such steps as may be prescribed to be taken for the purpose of preventing persons from accidentally entering outlets at mines or from accidentally coming into contact with moving parts of any apparatus therein.

(4) For the purposes of this section so much of any superstructure provided at the top of a shaft as forms an extension thereof shall be deemed to form part of the shaft.

35

(5) This section shall not apply to a shaft or outlet of, or staple-pit in, an abandoned mine or a mine which has not been worked for a period of twelve months, but, save as aforesaid, shall apply as well to shafts, outlets and staple-pits which are not in use as to shafts, outlets and staple-pits which are in use.

40

#### Roads

General provisions with respect to construction and maintenance of roads.

(New).

**36.**—(1) This section applies to every road in a mine.

(2) Every road made after the commencement of this section shall be so made and maintained as to avoid sudden changes of direction, height, width and gradient, save in so far as the system of working the mine or the natural conditions of the strata therein render it inadvisable for reasons of safety to do so, or it is unnecessary to do so.

45

50

(3) If, in the case of any road made before the commencement of this Act, an inspector is of opinion that any sudden change therein of direction, height, width or gradient ought to be elimi-

nated, he may serve on the manager of the mine a notice requiring the manager to execute, within a specified period, such works as will eliminate that sudden change.

5 (4) Every road which is used at the beginning or end of a shift by not less than six persons shall be kept free from obstructions and the floor thereof shall be kept in good repair.

(5) The provisions of *section 146* as to references upon notices served by inspectors shall apply to a notice served under this section.

10 (6) References in this section to changes of gradient shall be construed as including references to deviations (whether upwards or downwards) from the horizontal.

(7) It shall be the duty of the manager of the mine to take such steps as may be necessary to comply with this section.

15 **37.**—(1) Every travelling road shall be of adequate height and width and, if its height or width appears to an inspector to be inadequate, he may serve on the manager of the mine a notice requiring any specified alteration to be made. Height and width of travelling roads.  
(1911, s. 45)

20 (2) (a) Every travelling road, made after the commencement of this subsection, which is used at the beginning or end of a shift by not less than ten persons for the purpose of walking to or from their working places, shall be not less than five feet six inches high throughout.

25 (b) An inspector may, by notice served on the manager of a mine, exempt any road from this requirement.

(3) The provisions of *section 146* as to references upon notices served by inspectors shall apply to a notice served under *subsection (1)* of this section.

**38.**—The manager of a mine—

30 (a) shall not permit vehicles to run in any road therein unless neither the vehicles nor their loads, nor (if the vehicles run as part of rope haulage apparatus) the ropes to which they are attached, nor (if the vehicles are hauled by animals) the animals nor their harnesses rub against the roof or sides of the road, anything supporting the roof and sides of the road or either of them or anything in the road not provided for the purpose of controlling the vehicles or (in the case of vehicles which run as part of rope haulage apparatus) the ropes to which they are attached; Prohibition of use of vehicles and conveyors in roads not affording free movement.  
(1911, s. 45)

35 (b) shall not permit a conveyor to be operated in any road therein unless neither the conveyor nor its load rubs against the roof or sides of the road, anything supporting the roof and sides of the road or either of them or anything in the road.

**39.**—(1) The manager of every mine shall make rules (in this section referred to as "transport rules")— Transport rules and regulations.

50 (a) specifying the maximum loads (by reference to weight, dimensions, number or other criteria) that may be carried in vehicles in any length of road in the mine and the maximum number of vehicles (according as to whether they are loaded or unloaded) that may be coupled together to run as a set or train in any length of road in the mine, (New)

(b) specifying the maximum speeds at which vehicles may run in any length of road in the mine, and

(c) prohibiting the conveyance in roads in the mine of persons in vehicles or on conveyors except in such circumstances and in accordance with such conditions, if any, as may be specified in the rules and specifying precautions to be observed when persons are so conveyed, 5

and may make such other rules as he thinks proper with respect to the use of vehicles and conveyors in the mine and the conditions under which they may be used. 10

(2) (a) If an inspector is of opinion that transport rules require modification in any particular, he may serve on the manager of the mine a notice specifying the modification that, in his opinion, ought to be made, and requiring the manager, within a specified time, to modify the rules in accordance with the tenor of the notice. 15

(b) The provisions of *section 146* as to references upon notices served by inspectors shall apply to a notice under this subsection.

(3) A transport rule which is inconsistent with the provisions of any regulation shall, to the extent of the inconsistency, be of no effect. 20

(4) Regulations may require the provision of facilities for the carriage of persons through travelling roads in the interests of safety or to avoid excessive fatigue. 25

Provisions for securing safety of foot-passengers in transport roads.

(1911, s. 43)

40.—(1) This section applies to every road in a mine, being a road in which run vehicles moved otherwise than by hand or by animal traction.

(2) While such vehicles are moving in the road no person employed at the mine (other than an authorised person) shall, except in accordance with regulations, pass on foot along the road unless the movement of the vehicles is specially stopped to allow him to do so. 30

(3) If the road is used at the beginning or end of a shift by not less than ten persons, it shall be the duty of the manager to fix a period or periods for the purpose of enabling them to walk in safety, and no person shall cause or permit a vehicle (whether loaded or not) to move, otherwise than by hand or by animal traction, in the road during a period so fixed. 35

(4) Regulations may exempt from any of the foregoing requirements any road of a prescribed class in mines to which the regulations apply, and an inspector may, by notice served on the manager of a particular mine, exempt from any such requirement any road in that mine. 40

(5) In any prosecution in respect of a person's passing along a road in contravention of *subsection (2)* it shall be a defence to prove that he had reasonable cause to believe that it might be necessary for repairs to be carried out forthwith in the road and was so passing to ascertain the nature or extent of the repairs. 45

(6) Except with the written permission of the manager of a mine, no person shall, except in accordance with special regulations, accompany on foot below ground a vehicle which is moving as part of any rope haulage apparatus. 50

(7) For the purposes of subsection (2), "authorised person" means, in relation to a road in a mine,—

(a) an official of the mine;

5 (b) a person employed in connection with the running of vehicles in that road;

(c) a person engaged in, or in connection with, the carrying out in that road of repairs which it is necessary to carry out forthwith; or

10 (d) a person engaged in carrying out, by virtue of the provisions of this Act relating to workmen's inspections or of any such agreement as is mentioned in those provisions, an inspection at the mine.

41.—(1) Subject to any prescribed exceptions, the manager of a mine shall not permit vehicles (not being vehicles moved by hand) to run in any length of road in the mine unless refuge holes are provided in prescribed positions in the road, beyond seventy-five feet of a working face served by it. Provision of refuge holes. (1911, s. 44)

(2) Every such refuge hole shall be of such dimensions and comply with such requirements as may be prescribed.

20 (3) Every such refuge hole shall be kept free from obstruction.

(4) In this section "working face" does not include a place in a road at which ripping or work of repair is in progress.

42.—(1) So long as vehicles are used in a mine, there shall be provided, maintained and used, either in the mine or on the vehicles, such safety devices as are necessary to prevent the occurrence of accidents to persons by vehicles running away; and every device shall be of a kind designed to assume automatically the position in which it operates for the purpose for which it is designed, save in a case where there is good reason for not providing a device of that kind. Safety measures relating to use of vehicles. (1911, s. 46)

(2) All necessary precautions shall be taken to protect from injury, in the event of a vehicle running away, any person who, otherwise than as a matter of routine, is at work at a place in a mine through which a vehicle runs.

35 *Special Precautions for Winding and Rope Haulage Apparatus and Conveyors.*

43.—(1) No mechanically or gravity operated winding or rope haulage apparatus at a mine shall be operated for the carriage of persons except by a competent male person, who is at least twenty-two years of age, appointed by the manager; and it shall be the duty of the manager of every mine to appoint a sufficient number of competent male persons for the purpose. Charge of winding and rope haulage apparatus when persons are carried. (1911, s. 57)

(2) It shall be the duty of the manager of a mine to secure that a person appointed under this section is in attendance at the mine to operate such apparatus so long as any person is below ground who it is intended should come out by means thereof.

(3) An inspector may serve on the manager of a mine a notice requiring him to secure that, at such times as may be specified in the notice, the person in attendance is not charged with the duty of operating more than one set of apparatus.

(4) Subject to any prescribed exceptions, no person appointed under this section shall be employed at a mine of coal or other stratified mineral for more than eight hours in any day on which his duties consist of, or include, the operation for the carriage of persons of mechanically or gravity operated winding apparatus at a shaft, and regulations may provide for limiting the number of hours for which any such person may be employed in any week. 5

Charge of winding and rope haulage apparatus when persons are not carried.

(1911, s. 57)

44.—(1) No mechanically or gravity operated winding apparatus at a shaft or staple-pit shall be operated on an occasion when no persons are carried by means thereof except by, or under the constant supervision of, a competent male person who is at least twenty-one years of age. 10

(2) No mechanically or gravity operated rope haulage apparatus at a mine shall be operated on any such occasion except by, or under the constant supervision of, a competent male person who is at least eighteen years of age. 15

(3) An inspector may by notice served on the manager of a mine exempt any apparatus from subsection (2).

Charge of conveyors at working faces.

(New)

45.—No conveyor shall be operated along a working face in a mine except by, or under the constant supervision of, a competent male person who is at least eighteen years of age. 20

Signalling in shafts and outlets.

(1911, s. 41)

46.—(1) Where winding or rope haulage apparatus is installed in a mine shaft or unwalkable outlet, effective means of transmitting audible and visible signals from each entrance for the time being in use to the place where the apparatus is operated shall be provided and maintained in every case where the distance between the highest and lowest entrances for the time being in use in the shaft, or between the terminal surface and underground entrances to the outlet, exceeds fifty feet. 25

(2) Regulations may require means of transmitting signals between the entrances themselves to be provided and maintained. 30

(3) Regulations may require—

(a) the prescribed signals to be transmitted in a prescribed code;

(b) the manager of a mine to secure the attendance of persons, at prescribed times, for the purpose of transmitting and receiving signals. 35

(4) For the purposes of this section—

(a) so much of any superstructure at the top of a shaft as forms an extension thereof shall be deemed to form part of the shaft, and so much of a line of rails running through an outlet as lies between the point at which the outlet reaches the surface and the surface terminus of the line shall be deemed to form part of the outlet; 40

(b) "entrance", in relation to an outlet, includes any place at which vehicles stop for the purpose of loading or unloading; and 45

(c) "terminal surface" and "underground entrances", in relation to an outlet, mean, respectively, the surface entrance thereto or, if there is more than one, that one for the time being in use which is furthest from the point at which the outlet reaches the surface and the underground entrance thereto for the time being in use which is furthest from that point. 50

47.—Where rope haulage apparatus or a conveyor is installed in a road in a mine or is so installed as to permit of its operation in a road, then, if the length of road through which vehicles can move as part of that apparatus, or through which loads can be carried by means of that conveyor, exceeds ninety feet, there shall be provided and maintained effective means of transmitting signals from every point throughout that length of road, to the place at which the apparatus or conveyor is operated.

Signalling in roads.

(1911, s. 48)

48.—Regulations may provide for excluding or modifying all or any of the provisions of sections 43 to 47 in the case of winding or rope haulage apparatus, or conveyors, installed at mines, whose operation is remotely controlled or wholly or partly automatic.

Power to exclude or modify five preceding sections in case of remotely controlled or automatic apparatus. (New)

#### Support

49.—(1) It shall be the duty of the manager of every mine to take such steps by way of controlling movement of the strata in the mine and supporting the roof and sides of every road or working place as may be necessary for keeping the road or working place secure.

Duty to secure safety of roads and working places.

(1911, s. 49)

(2) It shall be the duty of the manager of every mine to secure that he has at all material times all information relevant for determining the steps necessary to discharge efficiently the duty imposed on him by subsection (1).

50.—(1) Subject to this section, in every mine of coal or other stratified mineral there shall be provided and maintained systematic support for the roof and sides of—

Systematic support in mines of coal and other stratified minerals.

(1911, s. 50)

(a) every place where any mineral is worked;

(b) every roadhead;

(c) every junction of two or more lengths of road through any one of which vehicles or a conveyor run or runs; and

(d) every length of road in which persons work otherwise than occasionally or for short periods.

(2) (a) If an inspector is of opinion that systematic support for the roof and sides (or either of them) of any other length of road in any such mine ought to be provided and maintained, he may serve on the manager a notice specifying the length of road, stating his opinion and requiring the provision, before the expiration of a specified period, and maintenance of such systematic support.

(b) The provisions of section 146 as to references upon notices served by inspectors shall apply to a notice served under this subsection.

(3) Regulations may require or empower inspectors to require systematic support for roofs or sides, or both, to be provided and maintained in mines of a class to which this section relates in such cases (not being cases falling within subsection (1)) and to such extent as may be prescribed.

(4) Regulations may provide for exempting from this section any prescribed class of mine or any prescribed class of place where mineral is worked, or of roadheads, junctions or roads, and an inspector may, by notice served on the manager of a particular mine, exempt from this section that mine or any such place, roadhead, junction or road therein.

(5) Such systematic support as is required under this section shall comply with a system specified in support rules being a system consistent with the proper control of movement of the strata in the mine.

(6) Nothing in this section shall be construed as preventing a workman from setting in his working place any additional support which he considers necessary to secure the safety of himself or another.

Power to require systematic support in other mines.

(New)

**51.**—(1) Regulations may require, or empower inspectors to require, systematic support for roofs or sides, or both, in mines other than of coal or other stratified mineral to be provided and maintained in such cases and to such extent as may be prescribed. 10

(2) Such support shall comply with a system specified in support rules, being a system consistent with the proper control of movement of the strata in the mine. 15

Supply of materials for support.

(1911, s. 51)

**52.**—(1) Subject to any prescribed exceptions, all materials for support shall be provided by the owner of the mine.

(2) No charge shall be levied upon any workman in respect of the provision of materials for support.

(3) It shall be the duty of the manager of every mine to secure that a sufficient supply of suitable materials for support is at all times readily available, for use at the place where he is actually working, to each workman who needs them. 20

(4) Where such a supply is not so available, the workman shall withdraw to a place of safety and forthwith report to an official of the mine that he has done so. 25

(5) Where it appears to the person for the time being in charge of a part of a mine that such supply is not so available to a workman employed there, that person shall cause the workman to withdraw to a place of safety. 30

(6) Where, on any occasion, a workman has, in pursuance of either of the foregoing subsections, withdrawn from the place where he was actually working, the person for the time being in charge of that part of the mine shall not permit the workman to return to it until that person is satisfied that such a supply of materials will be so available. 35

Withdrawal of support.

(1911, s. 52)

**53.**—(1) No person shall withdraw support from the roof or sides of any place in a mine otherwise than by a method or device by which he does so from a position of safety.

(2) Where it is part of the system of work to withdraw from the waste or from under the roof adjoining the waste support provided in compliance with this Act, no person shall withdraw such support except in accordance with a system specified in support rules. 40

Duties of deputies in relation to support.

(New)

**54.**—It shall be the duty of every deputy to ensure to the best of his ability that all support rules are executed and enforced and that any additional supports which appear to him to be necessary are duly set. 45

55.—(1) Support rules for a mine shall be made by the manager of the mine. Provisions as to support rules.

(1911 s. 50)

(2) Support rules shall comply with such requirements as may be prescribed, and may impose upon persons employed at the mine such duties and prohibitions as the manager of the mine thinks proper to secure compliance with the provisions of this Part relating to support.

(3) (a) If an inspector is of opinion that support rules require modification in any particular, he may serve on the manager of the mine a notice specifying the modification that, in his opinion, ought to be made, and requiring the manager, within a specified time, to modify the rules in accordance with the tenor of the notice.

(b) The provisions of *section 146* as to references upon notices served by inspectors shall apply to a notice served under this subsection.

(4) A support rule which is inconsistent with the provisions of any regulation shall, to the extent of the inconsistency, be of no effect.

(5) A copy of all support rules shall be kept at the office at the mine or at such other place as may be approved by an inspector. A copy of such rules as are applicable to a district delimited under *paragraph (d)* of *subsection (1)* of *section 17* shall be supplied by the manager to the deputy in charge of the district and shall be kept posted at the entrance to the district so as to be easily seen and read by the persons employed in the district.

(6) It shall be the duty of the manager of every mine for which support rules are for the time being in force to supply to every person employed at the mine whose duties consist of, or include, the setting of supports in accordance with a system specified in the rules, a document explaining either verbally or diagrammatically, or partly in the one way and partly in the other, the effect of the rules so far as they concern him.

(7) A document purporting to be certified by the manager of a mine to be a true copy of any support rules shall be prima facie evidence of the rules.

### Ventilation

56.—(1) It shall be the duty of the manager of every mine to take such steps as are necessary for securing that there is constantly produced in all parts of the mine below ground ventilation adequate for the following purposes, namely,— Duty to provide adequate ventilation. (1911, s. 29)

(a) diluting gases that are inflammable or noxious so as to render them harmless and removing them; and

(b) providing air containing a sufficiency of oxygen.

(2) Without prejudice to the general application of *subsection (1)*—

(a) ventilation produced in a part of a mine shall be deemed for the purposes of that subsection not to be adequate for the purpose of diluting carbon dioxide so as to render it harmless unless the amount thereof in the general body of the air in that part of the mine is not more than one and a quarter per cent by volume or such smaller percentage as may be prescribed;

(b) ventilation produced in a part of a mine shall be deemed for the purposes of that subsection not to be adequate for the purpose of providing air containing a

sufficiency of oxygen unless the amount of oxygen in the general body of the air in that part of the mine is not less than nineteen per cent by volume.

(3) Regulations may provide that, without prejudice to the general application of *subsection (1)*, ventilation produced in a part of a mine shall be deemed for the purposes of that subsection not to be adequate for the purpose of diluting a prescribed gas (other than carbon dioxide) that is inflammable or noxious so as to render it harmless unless the amount thereof in the general body of the air in that part of the mine is less than the prescribed percentage by volume.

(4) In the discharge of the duty imposed on him by *subsection (1)*, the manager of a mine shall have regard to the desirability of securing (consistently with the discharge of that duty) the maintenance in the mine of working conditions that are reasonable so far as regards the temperature and humidity of the atmosphere and the amount of dust therein.

(5) Nothing in *subsection (1)* shall be construed as requiring the production of ventilation—

(a) in a part of a mine which is stopped off in a prescribed manner or in such other manner as may be approved by an inspector by notice served on the manager of the mine or is stowed up;

(b) in any waste; or

(c) in any such other part of a mine as may be prescribed.

(6) Where, in any part of a mine required by the foregoing provisions of this section to be ventilated, the ventilation is interrupted or ceases to be adequate for the purposes mentioned in *subsection (1)*, it shall be the duty of the manager of the mine to secure that, until the ventilation is restored, access to that part of the mine is so restricted as to prevent from entering it any person not authorised to do so and that no person is permitted to remain in or pass through it except for the purpose of restoring the ventilation or in a case of emergency.

Avoidance of  
danger from gas  
in waste.

(New)

57.—(1) This section applies to waste other than— 35

(a) waste which is—

(i) stopped off in a prescribed manner or in such other manner as may be approved by an inspector by notice served on the manager of the mine in which it is contained, or 40

(ii) stowed up; or

(b) other waste known to contain—

(i) no inflammable gas, and

(ii) either no noxious gas or no noxious gas in a dangerous concentration. 45

(2) It shall be the duty of the manager of every mine which contains any waste to which this section applies to secure either—

(a) that there is constantly produced in that waste ventilation adequate, in accordance with *section 56*, for the purposes mentioned in *subsection (1)* of that section; or 50

(b) that appropriate steps are taken for the purpose of minimising dangerous emissions from that waste of inflammable or noxious gas.

58.—(1) If an inspector is of opinion that, in the interests of the safety or health of the persons employed, it is necessary or expedient to improve the ventilation produced in any part of a mine that is, by *section 56*, required to be ventilated, he may serve on the manager of the mine a notice requiring (according as may be specified in the notice) either—

Power of inspector to require improvement of ventilation. (1911, ss. 98, 99)

(a) that ventilation which, after the expiration of a specified period is produced in that part of the mine in pursuance of the said section, must conform to specified requirements, or

(b) that such works for the purpose of improving the ventilation in that part of the mine as may be specified in the notice shall be executed before the expiration of that period.

(2) The provisions of *section 146* with respect to references upon notices served by inspectors shall apply to a notice served under this section.

59.—(1) Unless, in all parts of a mine that are required by *section 56* to be ventilated, ventilation adequate for the purposes specified in *subsection (1)* of that section is provided wholly by natural means, there shall be provided and maintained on the surface of the mine mechanically operated apparatus capable of producing in all those parts of the mine an amount of ventilation sufficient (apart from any ventilation produced by any mechanically operated apparatus below ground) to enable all the persons who are below ground in the mine at any one time to leave it safely; and any apparatus so provided shall, if it is not normally used to produce ventilation, be used once at least in each week and be kept constantly available for use.

Provisions as to means of ventilation. (1911, ss. 30, 31)

(2) Where (whether in pursuance of *subsection (1)* or not) there is provided on the surface of a mine of coal mechanically operated apparatus for producing ventilation below ground in the mine, then, unless that apparatus is so designed or adapted, and is so installed, as to permit of its operation both by way of forcing air into, and by way of exhausting air from, the mine, there shall be provided in association with that apparatus, maintained and kept constantly available for use, adequate means for reversing the direction of flow of the ventilation produced by that apparatus.

(3) (a) Regulations may—

(i) exempt any prescribed class of mines from the provisions of *subsection (1)*;

(ii) exempt any prescribed class of mines of coal from the provisions of *subsection (2)*;

and an inspector may, by notice served on the manager of a particular mine other than of coal, exempt the mine from *subsection (1)* and may, by notice served on the manager of a particular mine of coal, exempt the mine from either or both of those subsections.

(b) No exemption shall be granted unless the Minister is satisfied that no persons employed in mines of the class to which the regulations apply will be exposed to undue risk in consequence of the granting of the exemption, and no exemption shall be granted by an inspector in the case of a particular mine unless he is satisfied that no persons employed in that mine will be exposed to undue risk in consequence of the granting of the exemption.

(4) It shall not be lawful to use a fire for ventilation in a mine or, except with the consent of an inspector, given by notice served

on the manager of the mine, to release in a mine compressed air for the purpose thereby of diluting or removing inflammable or noxious gas.

Prevention of leakage of air between airways.

(New)

60.—(1) Where, of any two lengths of different passages in a mine of coal or other stratified mineral, one at least is made after the commencement of this section, then, unless there is (without any steps being taken for the purpose of minimising the leakage of air between them) no, or no appreciable, leakage of air between them, it shall not be lawful to use one as, or as part of, an intake airway and the other as, or as part of, a return airway unless such steps are taken as are necessary for the purpose of minimising the leakage of air between them. 5

(2) Nothing in this section shall render unlawful the use as, or as part of, an airway of so much of any passage in a mine as lies within the relevant distance from a working face to which air is supplied or from which air is drawn off through that airway. 15

(3) In this section—

(a) “relevant distance” means, in relation to a working face in a mine, four hundred and fifty feet (measured from any point on that face in a straight line on any plane) or such other distance, so measured (whether greater or less than four hundred and fifty feet), as may, in any particular case, be determined by an inspector by notice served on the manager of the mine; and 20

(b) “working face” does not include a place in a road at which ripping or work of repair is in progress. 25

Provision of barometers and other measuring instruments.

(1911, s. 71)

61.—An inspector may by notice served on the manager require him to provide and maintain at the mine any instrument being a barometer, thermometer or hygrometer and may direct that the instrument shall be of a specified kind and be provided at a specified place, and that readings shall be taken and recorded at specified times. 30

#### *Lighting, Lamps and Contraband*

Lighting.

(Now)

62.—(1) It shall be the duty of the manager of every mine—

(a) to secure the provision of— 35

(i) suitable and sufficient lighting (whether natural or artificial) in every part of the mine above ground in or through which persons work or pass, having regard to the light emitted by lamps normally carried by persons who work in or pass through it; 40

(ii) suitable and sufficient artificial lighting in every part of the mine below ground in or through which persons work or pass, other than a part in which the installation of artificial lighting is inadvisable for reasons of safety or is unnecessary because of the amount of light emitted by lamps normally carried by persons who work in or pass through it or for any other reason; 45

(b) to secure that all lighting apparatus is properly maintained. 50

(2) Regulations may require the provision and maintenance of additional lights at prescribed places at a mine.

63.—(1) Subject to this section, no lamps or lights other than Permitted lights.  
permitted lights shall be allowed or used below ground at a mine (1911, s. 32)  
after—

- 5 (a) the occurrence in any part of the mine below ground of  
an ignition or explosion of gas naturally present in the  
mine (whether or not causing death or bodily injury),  
or
- 10 (b) the introduction of the use, in any part of the mine below  
ground, of locked safety-lamps otherwise than by way  
of temporary precaution, or
- 15 (c) the expiration of four weeks from the day next following  
that on which a notice, served on the manager by an  
inspector, stating that he is of opinion that no lamps or  
lights other than permitted lights ought to be used  
below ground in the mine, has become operative.

(2) A notice under *paragraph (c) of subsection (1)* shall not be  
served except where inflammable gas is known to have been  
naturally present in the mine at some time during the period of  
five years ending with the date on which service is effected; and  
20 the provisions of *section 146* as to references upon notices served  
by inspectors shall apply to any such notice.

(3) If an inspector is satisfied that, by reason of the special  
character of a mine or part of it, compliance with the foregoing  
provisions is unnecessary, he may, by notice served on the manager  
25 of the mine, exempt the mine or part from those provisions.

64.—(1) Regulations may provide for—

- 30 (a) the construction, provision, maintenance, issue, use and  
any other matter with respect to safety lamps, lighting  
apparatus and detection apparatus for use in a mine  
for the purposes of the foregoing sections;
- (b) the prohibition of taking into prescribed mines or parts of  
mines of articles capable of producing flame or sparks;
- (c) the prohibition of taking into prescribed mines or parts of  
mines of smoking materials;
- 35 (d) the manner of search of persons and articles for such  
prohibited articles and materials;
- (e) the posting of notices warning persons of their liability  
under this section.

Lighting and  
contraband  
regulations.  
(1911, ss. 32-35)

(2) No person shall be searched except in the presence of a third  
40 person and no person shall search another unless he has given on  
that occasion an opportunity to some two other persons to search  
himself and, if searched by them, has not been found to have in his  
possession any prohibited article or material.

(3) Any prohibited article or material found upon a search  
45 under this section may be seized by the person making the search  
and dealt with in such manner as may be directed by the manager  
of the mine.

(4) A person found upon a search under this section to have in  
50 his possession a prohibited article or material shall be guilty of an  
offence.

(5) A person who refuses to allow himself or an article which he  
has with him to be searched under this section shall be guilty of  
an offence and, if the refusal occurs before he goes below ground  
he shall not be allowed to go below ground on that occasion and,  
55 if it occurs when he is in a mine, he shall not be allowed to remain  
in it on that occasion.

### *Electricity and Electrical Apparatus*

Electricity and  
electrical  
apparatus.

(1911, s. 60)

65.—(1) Regulations may provide for—

- (a) the generation, storage, transformation, transmission and use of electricity at mines;
- (b) the use, construction, installation, examination, repair, 5 maintenance, alteration, adjustment and testing of electrical apparatus and electric cables at mines;
- (c) requiring that, where the amount of inflammable gas in the general body of the air in a part of a mine below ground exceeds a prescribed percentage (not being 10 more than one and a quarter) by volume, the supply of electricity to all apparatus, other than prescribed apparatus, shall be cut off;
- (d) requiring the cutting off, in such other circumstances as may be prescribed, of the supply of electricity to 15 apparatus below ground in a mine.

(2) If an inspector is of opinion that the use of electricity below ground in a mine or in any part of it below ground would or might involve substantial risk of an explosion of gas or dust, he may serve on the manager of the mine a notice prohibiting, or 20 restricting to a specified extent, the use of electricity below ground in that mine or part.

(3) The provisions of *section 146* as to references upon notices served by inspectors shall apply to a notice served under this section; and any such notice shall, if it is so specified therein, 25 become operative forthwith.

### *Blasting Materials and Devices*

Blasting  
materials and  
devices.

(1911, s. 61)

66.—(1) Regulations may provide for prohibiting or restricting the supply, storage or use at mines, of blasting materials and devices or any class thereof and, in particular, for prohibiting or 30 restricting the use of such materials and devices or any class thereof in a part of a mine below ground at any time at which the amount of inflammable gas in the general body of the air in that part exceeds the prescribed percentage by volume and in such other circumstances as may be prescribed. 35

(2) No blasting material or device shall be taken or used below ground in a mine other than material or a device provided by the owner of the mine.

(3) In this section "blasting materials and devices" means explosives and any articles designed for the purpose of breaking 40 up or loosening minerals by means of explosion, the expansion of gas, the change of a substance from one physical state to another or a chemical reaction not constituting combustion.

### *Fire Precautions*

Use of brattice  
sheeting and  
conveyor belting.

(New)

67.—(1) It shall not be lawful to use below ground in a mine of 45 any prescribed class brattice sheeting other than of a type for the time being approved by the Minister.

(2) It shall not be lawful to use below ground in a mine, or prescribed part thereof, of any prescribed class, conveyor belting other than of a type approved by the Minister. 50

68.—Regulations may require the making of such provision as may be prescribed for—

Fire-fighting  
and rescue  
operations.

- 5 (a) the prevention, detection and combating of outbreaks of fire at, and spontaneous heating occurring in, mines and the securing of the efficient conduct (as well in an atmosphere dangerous to life as in an atmosphere not dangerous to life) of such operations for the rescue of persons as it may be necessary to conduct at mines in consequence of the occurrence thereof of outbreaks of fire, explosions or other accidents of whatsoever kind; (1911, s. 85)
- 10 (b) the storage and use of inflammable material below ground;
- (c) adequate means of extinguishing fire;
- (d) the efficient training of the members of any organisation of persons maintained in pursuance of the regulations.

- 15 69.—A person shall not be employed at a mine in a room, chamber, or similar confined space in which, owing to the nature of any machinery or apparatus installed therein or of any materials stored therein, there is a risk of the outbreak of a dangerous fire or the escape of steam in substantial quantity or of noxious gas in a dangerous concentration, unless either such steps are taken (whether by the provision of two or more exits or otherwise) as are necessary for the purpose of minimising the risk of his being trapped therein in any such event or the circumstances in which he is employed are themselves such as to minimise the risk of his being so trapped. (1911, s. 59)
- 20
- 25

Means of escape  
from rooms in  
which there is  
special risk of  
fire or gas.

#### *Dust Precautions*

70.—(1) It shall be the duty of the manager of every mine to ensure that, in connection with the getting, dressing and transporting of minerals below ground in the mine, the giving off of—

Dust precautions.  
(1911, s. 62)

- 30 (a) any dust that is inflammable, and
- (b) dust of such character and in such quantity as to be likely to be injurious to the persons employed,
- is minimised.

(2) Where, in connection with the carrying on of any operations or process below ground in a mine or in a building on the surface of a mine, there is given off any dust that is inflammable or dust of such character and in such quantity as to be likely to be injurious to the persons employed, it shall be the duty of the manager of the mine to ensure—

- 40 (a) that the entry of the dust into the air or its accumulation in any place in circumstances in which its accumulation in that place might be dangerous or harmful is minimised by means of steps in that behalf taken as near as possible to the point of origin of the dust,
- 45 (b) that any of the dust which enters the air is trapped or so dispersed as to render it harmless, and
- (c) that any of the dust which is not prevented from accumulating in a place in circumstances in which its accumulation might be dangerous or harmful is either systematically cleaned up and removed to a place where it cannot be dangerous or harmful or treated in manner approved by the Minister for the purpose of rendering it harmless.
- 50

(3) Regulations may impose upon managers of mines such requirements with respect to the use of prescribed apparatus and

the taking of prescribed steps for the purpose of attaining any of the objects mentioned in this section; and the regulations may provide either that compliance therewith by the manager of a mine is to be taken, either without qualification or to a prescribed extent, as compliance with all or any of the requirements of this section or that compliance with the regulations by the manager of a mine is not necessarily to be taken as compliance therewith.

*Precautions against External Dangers to Workings.*

Duty of mine owners and managers to seek evidence of proximity of disused workings, water-bearing strata, etc.

(1911, s. 6 )

**71.**—(1) It shall be the duty both of the owner and of the manager of every mine— 10

(a) to take such steps as may be necessary to secure that he is at all material times in possession of all information which indicates or tends to indicate the presence or absence, in the vicinity of any workings carried on or proposed to be carried on in the mine, of 15

(i) any disused workings (whether mine workings or not);

(ii) any rock or stratum containing or likely to contain water (whether dispersed or in natural cavities);

(iii) any peat, moss, sand, gravel, silt or other material 20 that is likely to flow when wet, and

(b) to take such steps as may be necessary to verify any such information.

(2) It shall be the duty both of the owner and of the manager—

(a) forthwith after any such information comes into his possession to furnish such information to the other, and 25

(b) forthwith after taking any steps to verify the information, to furnish to the other particulars of the steps taken and of any conclusion reached as a result of taking them. 30

Duty of mine owners and managers to ascertain thickness of strata between workings and surface water.

(New)

**72.**—(1) It shall be the duty both of the owner and of the manager of every mine to take, with respect to any workings carried on or proposed to be carried on in the mine in the vicinity of the sea, a lake or river or any other body of surface water (whether accumulated naturally or artificially) such steps as may be necessary for ascertaining the total thickness of the strata lying between the workings and the surface water. 35

(2) It shall be the duty both of the owner and the manager, forthwith after obtaining any information in complying with *subsection (1)*, to furnish to the other particulars of the information obtained. 40

General duty to take precautions against inrushes of gas, water, etc.

(1911, s. 68)

**73.**—It shall be the duty of the manager of every mine to take, with respect to every working in the mine, such steps as may be necessary to prevent any inrush into the working of gas from disused workings (whether mine workings or not) or of water or material that flows when wet (whether from disused workings or from any other source). 45

Powers of inspectors with respect to danger from inrushes of gas, water, etc.

(1911, ss. 98, 99)

**74.**—(1) Where an inspector is of opinion that there is avoidable danger of the occurrence of such an inrush into a working as is mentioned in *section 73* and either no steps for averting the danger have been taken or steps taken for that purpose appear to the 50

inspector to be inadequate or improper, he may serve on the manager of the mine a notice stating his opinion and that, as the case may be, no steps for averting the danger have been taken or steps so taken appear to him to be inadequate or improper, and  
5 imposing all or any of the following requirements—

- (a) a requirement that the manager shall, before the expiration of a specified period, execute specified works for the purpose of averting the danger;
- 10 (b) a requirement that, until such works have been executed, no person shall (save for the purpose of executing the works of saving life) be permitted by the manager to be in the mine or in a specified part thereof;
- 15 (c) a requirement that operations for getting minerals in the working shall, to a specified extent, be discontinued until such works have been executed, or shall not be continued otherwise than in accordance with a specified system of working.

(2) Where an inspector is of opinion that there is unavoidable danger of the occurrence of such an inrush into a working as is  
20 mentioned in *section 73*, he may serve on the manager of a mine a notice stating his opinion and requiring that operations for getting minerals in the working be permanently discontinued and, if the inspector thinks fit, imposing, in addition, either or both of the following requirements—

- 25 (a) a requirement that the manager shall, before the expiration of a specified period, execute specified works for the purpose of protecting the rest of the mine,
- (b) a requirement that, until such works have been executed, no person shall (save for the purpose of executing the works or saving life) be permitted by the manager to be  
30 in the mine or in a specified part thereof.

(3) The provisions of *section 146* as to references upon notices served by inspectors shall apply to a notice served under this section; and any such notice shall, if it is so specified therein,  
35 become operative forthwith.

#### *Duties of Officials and Workmen in Cases of Danger*

75.—(1) If at any time it is found by the person for the time being in charge of the mine, or any part thereof, that, by reason of the prevalence of inflammable or noxious gases, or of any cause  
40 whatever, the mine or any place in the mine is dangerous, every workman shall be withdrawn from the mine or place found dangerous, and a deputy, or other competent person authorised by the manager for the purpose, shall inspect the mine or place found dangerous, and, if the danger arises from inflammable gas,  
45 shall inspect the mine or place with a locked safety lamp, and in every case shall make a full and accurate report of the condition of the mine or place.

Withdrawal of workmen in case of danger.

(1911, s. 67)

(2) A workman shall not, except in so far as is necessary for inquiring into the cause of danger or for the removal thereof, or  
50 for exploration, be re-admitted into the mine or place found dangerous, until it is reported not to be dangerous.

(3) For the purposes of this section a place shall be deemed to be dangerous if the amount of inflammable gas present in the general body of air at that place is not less by volume than the following  
55 percentage—

- (a) in the case of a mine, or a part of any mine, in which the use of lamps or lights other than permitted lights is unlawful—two per cent. or such greater percentage (not exceeding two and a half) as may be prescribed;

(b) in the case of any other place—one and a quarter per cent. or such smaller percentage as may be prescribed, or if, at a place to which *paragraph (b)* applies, an indication of gas is seen on the lowered flame of a safety lamp.

(4) Every report under this section shall be recorded in a separate book which shall be kept at the mine for the purpose, and shall be signed by the person who made the inspection. 5

(5) If a workman discovers the presence of inflammable gas in his working place, he shall immediately withdraw therefrom and inform the manager or deputy. 10

### *Machinery and Apparatus*

Construction, maintenance, etc. of machinery and apparatus.

(1911, *passim*)

**76.**—(1) All parts and working gear, whether fixed or movable, including the anchoring and fixing appliances, of all machinery and apparatus used as, or forming, part of the equipment of a mine, and all foundations in or to which any such appliances are anchored or fixed shall be of good construction, suitable material, adequate strength and free from patent defect, and shall be properly maintained. 15

(2) Regulations may provide—

(a) for imposing additional requirements as to the construction, installation, maintenance, use, testing, repair, adjustment, alteration and examination of such machinery or apparatus, and 20

(b) for prohibiting the installation at mines of machinery or apparatus constructed in contravention of the regulations. 25

Fencing of exposed parts of machinery.

(1911, s. 55)

**77.**—(1) Subject to this section, every fly-wheel and every other dangerous exposed part of any machinery used as, or forming, part of the equipment of a mine shall be securely fenced.

(2) Regulations may require the fencing to be provided by prescribed means. 30

(3) It shall be the duty of the manager of every mine to ensure that fencing provided in pursuance of this section is properly maintained and is kept in position while the parts required to be fenced are in motion or in use, except where such parts are exposed for an examination or adjustment which it is necessary to carry out while they are in motion or use and all such conditions as may be prescribed are complied with. 35

Engines below ground.

(1911, s. 58)

**78.**—No internal combustion engine, steam boiler or locomotive shall be used below ground in a mine except as may be prescribed or with the consent of the Minister or an inspector. 40

Air, gas and steam containers.

(1911, s. 56)

**79.**—(1) All apparatus used as, or forming, part of the equipment of a mine, being apparatus which contains or produces air, gas or steam at a pressure greater than atmospheric pressure shall be so constructed, installed, maintained and used as to obviate any risk from fire, bursting, explosion or collapse or the production of noxious gases. 45

(2) Regulations may prohibit the installation at mines of any such apparatus at prescribed places and may require reports to be

made of the results of examinations thereof made in pursuance of regulations under *section 76*.

(3) The Minister may at any time require any such apparatus at a mine to be examined by a person nominated by him and the manager of the mine shall give the necessary facilities for the examination; and if, as a result of the examination, it appears that any report was inadequate or inaccurate in a material particular, the cost of the examination under this subsection shall be recoverable by the Minister from the owner of the mine.

10 **80.**—(1) There shall be plainly marked on every crane, crab and winch used as, or forming, part of the equipment of a mine the safe working load or loads thereof, except that, in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

Loading of cranes, etc.

(1911, s. 40)

(2) No person shall, except for the purpose of a test, load any such crane, crab or winch beyond the safe working load so marked or indicated.

(3) This section shall not apply to winding apparatus with which a mine shaft or staple-pit is provided or to any rope haulage apparatus, and regulations may provide that this section shall not apply to any other apparatus of a prescribed class.

25 **81.**—No person shall, at any time, enter or be allowed to enter any storage bin or hopper from which material is drawn off at the bottom while material is stored therein, unless a second person is in constant attendance and suitable precautions are taken against the danger of caving material. The owner or manager shall, when necessary, provide life lines for persons employed and it shall be the duty of such persons to continually wear such life lines when, by so doing, the interests of safety are advanced.

Storage bins and hoppers.

(New)

#### *Buildings, Structures, Means of Access, etc.*

35 **82.**—All buildings and structures on the surface of a mine shall be kept in safe condition.

Buildings and structures to be kept safe.

(New)

**83.**—(1) There shall be provided and maintained safe means of access to every place in or on a building or structure on the surface of a mine, being a place at which any person has at any time to work.

Safe means of access and safe means of employment.

(1911, s. 59)

40 (2) Where a person is to work at any such place from which he will be liable to fall a distance of more than ten feet, then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold, means shall be provided by fencing or otherwise for ensuring his safety.

#### 45 *Training and Discipline*

**84.**—It shall be the duty of the manager of every mine to secure that no person is employed thereat in any work otherwise than under the instruction and supervision of some person competent to give instruction in, and supervise, the doing of that work,

Restriction on doing of work by unskilled persons.

(1911, s. 73)

unless the person so employed has received adequate instruction, and, where necessary, training in that work and is competent to do it without supervision.

#### *First Aid*

First aid.  
(1911, s. 85)

**85.**—(1) It shall be the duty of the manager of every mine to 5  
secure the provision thereof of adequate facilities and equipment  
for the purpose of rendering first-aid to persons employed at the  
mine, who, while so employed, suffer bodily injury or become ill.

(2) Regulations, for the purposes of this section, may—

(a) determine for mines of any class what are adequate faci- 10  
lities and equipment,

(b) require the attendance at mines during working hours of  
persons trained in first-aid treatment and the making  
and carrying out at mines—

(i) as respects persons who, while employed below 15  
ground thereat, suffer bodily injury or become ill,  
of prescribed arrangements for their conveyance  
from the place where they were injured or became  
ill to the surface, and

(ii) as respects persons who, while employed thereat 20  
(whether above or below ground), suffer bodily  
injury or become ill, of prescribed arrangements  
for their conveyance, where necessary, to hospitals  
or their homes.

#### *Excessive Weights*

25

Lifting excessive  
weights.  
(1955, No. 10,  
s. 67)

**86.**—(1) A person shall not be employed to lift, carry or move  
any load so heavy as to be likely to cause injury to him.

(2) The Minister may, after consultation with the Minister for 30  
Health, make regulations prescribing the maximum weights which  
may be lifted, carried or moved by persons employed in mines,  
and any such regulations may prescribe different weights in dif-  
ferent circumstances and may relate either to persons generally  
or to any class of persons or to persons employed in any class or  
description of mine or in any process.

#### *General Welfare Provisions*

35

Sanitary  
conveniences.  
(1911, s. 76)

**87.**—(1) It shall be the duty of the manager of every mine to  
secure the provision thereof (as well below as above ground) of  
sufficient and suitable sanitary conveniences for the use of persons  
employed thereat.

(2) Where persons of both sexes are, or are intended to be, 40  
employed, the conveniences shall afford separate accommodation  
for persons of each sex.

(3) All sanitary conveniences so provided shall be kept clean  
and properly maintained and reasonable provision shall be made 45  
for lighting them.

Measures against  
vermin and  
insects.  
(New)

**88.**—(1) It shall be the duty of the owner of every mine to take  
such steps as are necessary to secure that all parts of the mine  
below ground are kept free from rats and mice, and regulations  
may require owners of mines to take steps for the destruction below  
ground of insects or any prescribed class of insects or otherwise 50  
for keeping parts of mines below ground free from insects or any  
prescribed class of insects.

(2) Nothing in this section shall be construed as excluding the application to parts of the mines below ground of the Rats and Mice (Destruction) Act, 1919. 1919, c. 72.

89.—It shall be the duty of the manager of every mine to provide and maintain, for the use of persons employed thereat, an adequate supply of drinking water at suitable points conveniently accessible to all such persons. Drinking water.

90.—Regulations may require the provision and maintenance, for the use of persons employed at mines, of— Welfare regulations.

(a) washing facilities, including soap and clean towels or other suitable means of cleaning and drying, (1911, s. 77)

(b) accommodation and facilities for changing into clothing worn during working hours and for storing and drying clothing so worn and clothing not so worn, and

(c) canteens, or accommodation and facilities (including facilities for heating food and boiling water) for enabling such persons to partake of meals provided by themselves.

#### PART IV.

##### SAFETY, HEALTH AND WELFARE (QUARRIES).

91.—(1) It shall be the duty of the manager of every quarry to secure that quarrying operations are so carried on as to avoid danger from falls whether within or outside the quarry and whether of the minerals worked or any other substance. Provisions for securing safe methods of working. (1894, c. 42)

(2) The manager shall secure that no part of the face or sides of the quarry or any gallery thereon shall be so worked as to cause any overhanging.

(3) If an inspector is satisfied, having regard to the system of working and the natural condition of the minerals, that the requirement imposed by subsection (2) is unnecessary for safety, he may, by notice served on the owner, exempt the quarry or a specified part thereof from that requirement.

92.—There shall be provided and maintained safe means of access to every place at a quarry at which any person has at any time to work. Safe means of access to working places. (1894, c. 42)

93.—(1) So long as vehicles running on rails are used at a quarry, there shall be provided, maintained and used, either at the quarry or on the vehicles or both at the quarry and on the vehicles, such safety devices as are necessary to prevent the occurrence of accidents to persons by any such vehicles' running away; and every device shall be of a kind designed to assume automatically the position in which it operates for the purpose for which it is designed, save in a case where there is good reason for not providing a device of that kind. Safety measures relating to vehicles running on rails. (1894, c. 42)

(2) All necessary precautions shall be taken to protect from injury, in the event of any such vehicle running away, any person who, otherwise than as a matter of routine, is at work at a place in a quarry through which any such vehicle runs.

Lighting.

94.—It shall be the duty of the owner of every quarry—

(1894, c. 42)

- (a) to secure the provision, in each part of the quarry in which persons work at a time when natural light is insufficient to enable them to work in safety and in each part of the quarry through which persons pass at a time when natural light is insufficient to enable them to pass in safety, of suitable and sufficient artificial lighting, and
- (b) to secure that all apparatus for producing artificial lighting is properly maintained.

Dust precautions.

95.—(1) Where, in connection with the carrying on of a process at a quarry, elsewhere than in a building, there is given off dust of such character and in such quantity as to be likely to be injurious to the persons employed, it shall be the duty of the manager to ensure that such steps are taken as are necessary to protect those persons against inhalation of the dust.

(1894, c. 42)

(2) Where, in connection with the carrying on of any operations or process in a building at a quarry, there is given off dust of such character and in such quantity as to be likely to be injurious to the persons employed, it shall be the duty of the manager to ensure—

(a) that the entry of the dust into the air or its accumulation in any place in circumstances in which its accumulation in that place might be harmful is minimised by means of steps in that behalf taken as near as possible to the point of origin of the dust,

(b) that any of the dust which enters the air is trapped or so dispersed as to render it harmless, and

(c) that any of the dust which is not prevented from accumulating in a place in circumstances in which its accumulation in that place might be harmful is either systematically cleaned up and removed to a place where it cannot be harmful or treated in manner approved by the Minister for the purpose of rendering it harmless.

(3) Regulations may impose upon managers of quarries requirements with respect to the use of prescribed apparatus and the taking of prescribed steps for the purpose of attaining any of the objects mentioned in this section; and the regulations may provide either that compliance therewith by the manager of a quarry is to be taken, either without qualification or to a prescribed extent, as compliance with all or any of the requirements of this section or that compliance with the regulations by the manager of a quarry is not necessarily to be taken as compliance with any of the said requirements.

Miscellaneous provisions for securing safety of persons employed.

96.—(1) Regulations may provide, in relation to quarries, for—

(1894, c. 42)

(a) the generation, storage, transformation, transmission and use of electricity and the use, construction, installation, examination, repair, maintenance, alteration, adjustment and testing of electrical apparatus and electric cables;

(b) the supply, storage and use of blasting materials and devices;

(c) the provision and maintenance of apparatus for the purpose of preventing and combating outbreaks of fire.

(2) In this section "blasting materials and devices" has the same meaning as in section 66.

97.—The sections of Part III mentioned in the Table shall apply to quarries with the substitution, for references to mines, of references to quarries and with the modifications indicated in the third column of the Table.

Application to quarries of certain sections of Part III. (1894, c. 42)

5

TABLE  
SECTIONS APPLIED TO QUARRIES

Section	Subject-matter	Modifications
69	Means of escape from rooms in which there is a special risk of fire or gas.	—
76	Construction, maintenance, etc., of machinery and apparatus.	—
77	Fencing of exposed parts of machinery.	For "manager" substitute "owner."
79	Air, gas and steam containers.	For "manager" substitute "owner."
80	Loading of cranes, etc.	Omit the reference to winding apparatus in subsection (3).
81	Storage bins and hoppers.	—
82	Buildings and structures to be kept safe.	For "on the surface of" substitute "at."
83	Safe means of access and safe means of employment.	For "on the surface of" substitute "at."
84	Restriction on doing of work by unskilled persons.	For "manager" substitute "owner."
85	First aid.	For "manager" substitute "owner."
86	Lifting excessive weights.	—
90	Welfare regulations.	—

PART V

NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND DISEASES

*Notification*

10 98.—(1) Where an accident occurs at a mine or quarry, causing the death of, or serious bodily injury to, a person employed, notice of the accident, in such form and accompanied by such particulars as may be specified by the Minister, shall forthwith be given by the responsible person to an inspector and to such person as may for the time being be nominated—

Notifications of certain accidents.

(1906, ss. 2-4; 1911, s. 80)

15 (a) in a case where there is an association or body representative of a majority of the persons employed, by that association or body,

20 (b) in any other case, jointly by associations or bodies which are together representative of such a majority,

to receive on behalf of the persons so employed notices under this subsection.

25 (2) Where an accident causing serious bodily injury is notified under this section, and after notification the injured person dies, notice of the death shall, as soon as it comes to the knowledge of the responsible person, be given by him to an inspector and to the person so nominated.

(3) Where an accident to which this section applies occurs to a person employed at a mine or quarry and the owner of the mine or quarry is not the actual employer of that person, the actual employer shall, if he fails to report the accident to the responsible person immediately, be guilty of an offence.

5

Power to extend to other dangerous occurrences provisions as to notification of accidents.

(1906, s. 5 ;  
1911, s. 81)

**99.**—(1) If the Minister is of opinion that any special class of occurrences at mines or quarries is of so dangerous a nature as to render it expedient that notice should be given under *section 98* in every case, he may by order extend the provisions of that section to occurrences of that class, whether death or serious bodily injury is caused or not. 10

(2) In any proceedings taken under this Act in respect of a failure to give notice of an occurrence of any kind at a mine or quarry, being proceedings which could not be taken apart from an order under this section, it shall be a defence for the person charged to prove that he was not aware of the occurrence and that he had taken all reasonable steps for having occurrences of that kind brought to his notice. 15

Power to apply to diseases provisions as to notification of accidents.

(1911, s. 79)

**100.**—(1) The Minister may by order apply (subject to such exceptions, adaptations and modifications, if any, as may be specified in the order) the provisions of *section 98* to the contraction, by a person employed at a mine or quarry, of any such disease as may be specified in the order. 20

(2) In any proceedings which, by virtue of an order under this section, are taken under this Act in respect of a failure to give notice of the contraction by a person employed at a mine or quarry of a disease, it shall be a defence for the person charged to prove that he was not aware that the first-mentioned person had contracted the disease. 25

Inquest in case of death by accident or other occurrence or disease.

(1872, s. 22 ;  
1911, s. 84 ;  
1955, No. 10,  
s. 77)

**101.**—Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident, occurrence or disease of which notice is required by or under this Part to be given, the following provisions shall have effect : 30

(a) the coroner shall adjourn the inquest unless—

(i) an inspector or some other person appearing on behalf of the Minister is present to watch the proceedings, or 35

(ii) in case the inquest relates to the death of not more than one person and the coroner has sent to the Minister notice of the time and place of holding the inquest at such time as to reach the Minister not less than twenty-four hours before the time of holding the inquest, the majority of the jury think it unnecessary to adjourn the inquest; 40

(b) if the coroner adjourns the inquest— 45

(i) he may, before the adjournment, take evidence to identify the body and may order the interment of the body,

(ii) he shall, at least four days before holding the adjourned inquest, send to the Minister notice in writing of the time and place of holding the adjourned inquest; 50

5 (c) no person having a personal interest in or employed in or about or in the management of the mine or quarry in or about which the accident, occurrence or disease occurred or was contracted shall be qualified to serve on the jury;

(d) it shall be the duty of the person summoning the jury not to summon any person disqualified under *paragraph (c)* and it shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury;

10 (e) the following persons shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by counsel or solicitor:

15 (i) an inspector or any other person appearing on behalf of the Minister,

(ii) any relation or friend of the person in respect of whose death the inquest is being held,

20 (iii) the owner of the mine or quarry at which the accident, occurrence or disease occurred or was contracted,

(iv) any person appointed in writing by the majority of the persons employed at the mine or quarry,

25 (v) any person appointed in writing by any trade union, friendly society or other association of persons to which the deceased at the time of his death belonged or to which any person employed at the mine or quarry belongs,

30 (vi) any person appointed in writing by any association of employers of which the owner is a member;

35 (f) where an inspector or a person on behalf of the Minister is not present at the inquest and evidence is given of any neglect having caused or contributed to the accident, occurrence or disease, or of any defect in or about the mine or quarry appearing to the coroner or jury to require a remedy, the coroner shall send to the Minister notice in writing of the neglect or defect.

40 102.—(1) Where there occurs at a mine or quarry an accident or other occurrence (being in either case one of which notice is required by this Part to be given), no person shall disturb the place where it occurred or tamper with anything thereat before—  
Site of accident or other dangerous occurrence to be left undisturbed.  
(1911, s. 80)

(a) the expiration of three clear days after notification of the accident or other occurrence in accordance with this Part, or

45 (b) that place has been both visited by an inspector and inspected in exercise of the powers in that behalf conferred by the provisions of this Act relating to workmen's inspections,

whichever first occurs.

50 (2) Nothing in this section shall prohibit the doing of anything by or with the consent of an inspector.

(3) In any proceedings taken in respect of a contravention of this section consisting of the doing of any act, it shall be a defence to prove that the doing of that act was necessary for  
55 securing the safety of the mine or quarry or persons thereat.

### Investigations

Power of Minister to require special report on accident or other dangerous occurrence.

(1872, s. 20 ;  
1911, s. 83)

**103.**—Where there occurs at a mine or quarry an accident or other occurrence (being in either case one of which notice is required by this Part to be given) the Minister may, at any time, direct an inspector to make a special report with respect thereto, and the Minister may cause any such report to be made public at such time and in such manner as he thinks fit. 5

Power to direct formal investigation of accidents, occurrences and cases of disease.

(1911, s. 83 ;  
1955, No. 10,  
s. 78)

**104.**—(1) The Minister may, where he considers it expedient so to do, direct a formal investigation to be held into any accident or other occurrence or case of disease contracted or suspected to have been contracted at a mine or quarry and of its causes and circumstances. 10

(2) The following provisions shall have effect in relation to an investigation under this section :

(a) the Minister may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation; 15

(b) the person or persons so appointed (hereinafter in this subsection referred to as the tribunal) shall hold the investigation in open court in such manner and under such conditions as the tribunal may think most effectual for ascertaining the causes and circumstances of the accident or occurrence or case of disease, and for enabling the tribunal to make its report; 20  
25

(c) the tribunal shall have for the purposes of the investigation all the powers of a Justice of the District Court when hearing a prosecution for an offence under this Act, and all the powers of an inspector under this Act, and, in addition, power— 30

(i) to enter and inspect any place or building the entry or inspection whereof appears to the tribunal requisite for the said purposes;

(ii) by summons signed by the tribunal to require the attendance of all such persons as it thinks fit to call before it and examine for the said purposes, and to require answers or returns to such inquiries as it thinks fit to make; 35

(iii) to require the production of all books, papers and documents which it considers important for the said purposes; 40

(iv) to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination; 45

(d) persons attending as witnesses before the tribunal shall be allowed such expenses as would be allowed to witnesses attending before a court of record, and in case of dispute as to the amount to be allowed, the dispute shall be referred by the tribunal to a taxing master of the High Court, who, on request, signed by the tribunal, shall ascertain and certify the proper amount of the expenses; 50

(e) the tribunal shall make a report to the Minister stating the causes and circumstances of the accident, occurrence or case of disease, and adding any observations which the tribunal thinks right to make; 55

- (f) the tribunal may require the expenses incurred in and about an investigation under this section (including the remuneration of any persons appointed to act as assessors) to be paid in whole or part by any person summoned before it who appears to the tribunal to be, by reason of any act or default on his part or on the part of any servant or agent of his, responsible in any degree for the accident, occurrence or case of disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Minister in the administration of this Act;
- (g) any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the tribunal, or prevents or impedes the tribunal in the execution of its duty, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds, and, in the case of a failure to comply with a requisition for making any return or producing any document, if the failure in respect of which a person was so convicted is continued after the conviction, he shall be guilty of a further offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds for every day on which the failure was so continued;
- (h) the Minister may cause the report of the tribunal to be made public at such time and in such manner as he thinks fit.

## PART VI

### WORKMEN'S INSPECTIONS

105.—(1) The workmen employed at a mine or quarry may, at their own cost, appoint two persons who are or have been practical miners or quarriers as the case may be, for a period of not less than five years (one of whom at least is employed at the mine or quarry) to inspect the mine or quarry.

Periodical inspection on behalf of workmen.

(1911, s. 16)

(2) The owner of the mine or quarry shall be under an obligation to permit such inspections to be carried out thereat by such duly appointed persons (in this section referred to as "workmen's inspectors") as will enable every part thereof and the equipment thereof to be inspected once at least in every month.

(3) Where there occurs at a mine or quarry an accident or other occurrence (being in either case one of which notice is required by this Act to be given) the two workmen's inspectors may together inspect the place where it occurred and, so far as necessary for the purpose of ascertaining its cause, any other part of the mine or quarry and any machinery, apparatus or other thing thereat and may take samples of the atmosphere at that place and of any dust or water thereat.

(4) On any occasion on which an inspection is carried out by the workmen's inspectors under subsection (2) or (3), they—

(a) shall be entitled to inspect any documents which by or under this Act are required to be kept at the office at the mine or quarry or at such other place as may be approved by an inspector;

(b) shall be entitled to be accompanied by advisers of theirs but shall not be entitled to preclude from accompanying them any of the following persons—

- (i) in the case of an inspection at a mine, the owner and any person nominated by him, the manager and any person nominated by him; 5
- (ii) in the case of an inspection at a quarry, the owner and any person nominated by him and the manager and any person nominated by him. 01

(5) On any occasion on which workmen's inspectors are, under subsection (2) or (3), carrying out an inspection at the mine or quarry, it shall be the duty of all persons employed thereat to afford to them such facilities and assistance with respect to matters or things to which the respective responsibilities of those persons extend as are necessary to carry out the inspection. 15

(6) Forthwith after workmen's inspectors have, on any occasion, completed an inspection under subsection (2) or (3), they shall make, in a book to be provided for that purpose by the owner of the mine or quarry, a full and accurate report of the matters ascertained as a result of the inspection and shall subscribe their signatures thereto. 20

(7) Forthwith after the report has been made, a true copy thereof shall be sent to the inspector and another such copy shall be posted in some conspicuous position at the mine or quarry and kept posted there for a period of twenty-four hours. 25

## PART VII

### FENCING OF ABANDONED AND DISUSED MINES

Fencing of abandoned and disused mines.

(1872, s. 13;  
1911, s. 26)

106.—It shall be the duty of the owner of every abandoned mine and of every mine which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months to secure that the surface entrance to every shaft or outlet thereof is provided with an efficient enclosure, barrier, plug or other device so designed and constructed as to prevent such surface entrance from being dangerous to any person. 30

## PART VIII

35

### CONDITIONS OF EMPLOYMENT

#### Women and Young Persons

Prohibition of employment below ground in certain cases.

(1872, s. 4;  
1911, s. 91)

107.—(1) No female shall be employed below ground at a mine.

(2) Regulations may prohibit or restrict the employment of young persons, or young persons under a prescribed age, below ground at a mine. 40

Prohibition of employment of children.

(1920, c. 65,  
s. 1 (1) )

108.—No child shall be employed at a mine.

109.—A young person shall not be employed at a mine unless and until a birth certificate or other satisfactory evidence of his age has been produced to the manager of the mine.

Proof of age.  
(New  
cf. 1936, No. 2,  
s. 14 (1) )

110.—(1) A woman or young person shall not be employed at a mine except in accordance with this section.

Restrictions on  
employment of  
women and young  
persons.

(2) There shall be an interval of not less than twelve hours between periods of employment.

(1920, c. 65,  
s. 1 (3), Sch.,  
Pt. II)

(3) A period of employment of a young person whose age is less than sixteen years shall not begin earlier than 6 o'clock in the morning nor end later than 10 o'clock in the evening.

(4) The interval between periods of employment for a woman and, subject to *subsection (5)*, for a young person whose age is not less than sixteen years shall include a continuous period of seven hours falling between 10 o'clock in the evening and 7 o'clock in the morning.

(5) (a) The Minister may, by regulations, authorise the employment, during prescribed hours falling within the interval specified in *subsection (4)*, of male young persons whose age is not less than sixteen years for the purpose of receiving instruction of such description as may be prescribed.

(b) In any such case the interval between periods of employment shall be such period, not being less than thirteen hours, as may be prescribed or, if no period is prescribed, fifteen hours.

(6) Subject to the provisions of this Act the Minister may by regulations make provision for the hours of employment and intervals for meals and rest of women and young persons employed above ground at a mine or at any class of mine.

111.—(1) It shall be the duty of the responsible person to keep at the office of a mine or quarry, or at some other place 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.

Register of  
women and  
young persons  
employed.

(1911, s. 94;  
1920, c. 65,  
s. 1 (4) )

(2) It shall, in the case of every mine or quarry, be the duty of the responsible person to produce on request any register kept by him in pursuance of this section to an inspector.

(3) Before a male young person is first employed below ground in a mine his employer (if not the owner of the mine) shall inform the manager or some other person appointed in that behalf by the manager, that the young person is to be so employed.

#### *Employed Persons Generally*

112.—Regulations may require persons employed or seeking employment at mines or quarries to submit themselves for medical examination and may prohibit the employment at a mine or quarry, either absolutely or in a particular capacity or in particular work, of a person who fails to submit himself for such medical examina-

Medical  
examination.

(New)

tion or is found to be physically or mentally unfit for such employment as a result thereof.

### Limit of Hours Below Ground

Limit of hours  
of work below  
ground in mines.

(1908, s. 1)

113.—(1) For the purposes of the subsequent provisions of this Part, "workman" means any person employed in a mine below ground, who is not an official of the mine (other than a deputy), or a mechanic or electrician, or a person engaged solely in surveying or measuring; and any number of workmen whose hours for beginning and terminating work in the mine are approximately the same shall be deemed to be a shift of workmen.

(2) Subject to the provisions of this Part a workman shall not be below ground in a mine of coal, stratified ironstone, shale or fireclay for the purpose of his work, and of going to and from his work, for more than eight hours during any consecutive twenty-four hours.

(3) The manager of the mine shall fix for each shift of workmen in the mine the time at which the lowering of the men to the mine is to commence and to be completed, and the time at which the raising of the men from the mine is to commence and to be completed, in such a manner that every workman shall have the opportunity of returning to the surface without contravention of this section, and shall post and keep posted at the pit head a conspicuous notice of the time so fixed, and shall make all arrangements necessary for the observance of those times.

(4) The interval between the times fixed for the commencement and for the completion of the lowering and raising of each shift of workmen to and from the mine shall be such time as may for the time being be approved by an inspector as the time reasonably required for the purpose.

(5) In the event of any accident to the winding machinery, or other accident interfering with the lowering or raising of workmen, the interval may temporarily be extended to such extent as may be necessary; but in any such case the manager of the mine shall on the same day send notice of the extension and the cause thereof to an inspector, and the extension shall not continue beyond such date as may be allowed by the inspector.

(6) In the event of the manager feeling aggrieved by a decision of an inspector under subsection (4) the matter shall, in accordance with regulations as to procedure and costs made by the Minister, be referred to the decision of a person appointed by the judge of the Circuit Court for the circuit in which the mine is situate, whose decision shall be final; but until such decision is given the times approved by the inspector shall be in force as respects the mine.

(7) A repairing shift of workmen may, notwithstanding the provisions of this section, for the purpose of avoiding work on Sunday, commence their period of work on Saturday before twenty-four hours have elapsed since the commencement of their last period of work, so long as at least eight hours have elapsed since the termination thereof.

(8) (a) In the case of a deputy, onsetter or pump-minder, the maximum period for which he may be below ground under this Part shall be nine hours and a half.

(b) Where the work of sinking a pit or driving a cross-measure drift is being carried on continuously, no contravention of the provisions of this Part shall be deemed to take place as respects any workman engaged on that work if the number of hours spent by him at his working place does not exceed six at any one time, and

the interval between the time of leaving the working place and returning thereto is in no case less than twelve hours.

5 (9) If any question under this section arises (otherwise than in legal proceedings) whether any person is a workman or is a workman of any particular class, that question shall be referred to the Minister, and his decision shall be final.

10 (10) The Minister may by regulations substitute a shorter period of time for the period provided by subsection (2) or by paragraph (a) of subsection (8) and, during the continuance of the regulations, this section shall stand modified accordingly.

(11) Regulations may provide that this section shall, with such exceptions, modifications and adaptations as may be prescribed, apply to any other class of mine.

15 (12) There shall not be a contravention of any provision of this section providing for a period of time in relation to a workman employed on a shift if the period from the time when the last workman on that shift leaves the surface to the time when the first workman on that shift returns to the surface does not exceed the  
20 period of time so provided.

114.—(1) The manager of the mine shall appoint one or more persons to direct at the pit head the lowering and raising of men to and from the mine, and shall cause a register to be kept in the prescribed form and containing the prescribed particulars with  
25 respect to the times at which men are lowered into and raised from the mine, and the cases in which any man is below ground for more than the time fixed by this Act, and the cause thereof, and the register shall be open to inspection by an inspector.

Register of times of descent and ascent.  
(1908, s. 2)

(2) The workmen in a mine may, at their own cost, appoint and  
30 station one or more persons, whether holding the office of checkweigher or not, to be at the pit head, at all times when workmen are to be lowered or raised, for the purpose of observing the times of lowering and raising, and the provisions of this Act and of the  
35 checkweighing in Various Industries Act, 1919, relating to the checkweigher, and to the relations between the owner, agent, or manager of the mine and the checkweigher shall, so far as applicable, apply to any person so appointed as they apply to the checkweigher, with the substitution, as respects appointment, of the  
40 workmen in the mine for the persons who under that Act are entitled to appoint a checkweigher.

1919, c. 51.

(3) If any person knowingly makes a false entry in the register which is to be kept under this section, or knowingly causes or permits any such false entry to be made, he shall be guilty of an offence.

45 115.—(1) The time fixed by this Part as the time during which the workmen in a mine may be below ground for the purpose of their work and of going to and from their work may be extended as respects any mine by the manager of the mine, on not more than  
50 sixty days in any year by not more than one hour a day, and on any day on which an extension of time is made in accordance with this section as respects any mine the time as so extended shall be substituted for the purposes of this Act as respects that mine for the time as fixed by this Part.

Power to extend hours of work on a limited number of days in a year.  
(1908, s. 3)

(2) The manager of every mine shall cause a register to be kept  
55 in such manner as the Minister may direct of the cases in which any extension of time has been given under this section, and the register shall be open to inspection by an inspector.

Application to mines not entered by a shaft, etc.

(1908, s. 5)

**116.**—In the application of this Part to mines which are entered otherwise than by a shaft, and to workmen who are not lowered to or raised from the mine by means of machinery, the admission of men to the mine shall be substituted for the lowering of men to the mine, and the return of men from the mine shall be substituted for the raising of men from the mine, and such times as may be determined by the owner, agent, or manager of the mine, with the approval of an inspector, as the times properly corresponding to the times fixed for the commencement and completion of the lowering and raising of workmen to and from the mine, shall be substituted for the times so fixed. 5 10

Provisions for securing compliance with this Part.

(1908, s. 6)

**117.**—For securing compliance with the provisions of this Part, it shall be the duty of the manager of every mine—

(a) to make rules for that purpose and publish such rules by posting them and keeping them posted at the pit head, and by supplying a copy thereof free to every workman employed underground in the mine who, not having been previously supplied with a copy, applies therefor at the office at which he is paid; and 15

(b) to provide necessary means for raising the men from the mine within the time limited by this Part. 20

Workman below ground for longer than fixed period.

(1908, s. 7 (3))

**118.**—If a workman is below ground for a longer period during any consecutive twenty-four hours than the time fixed by this Part, he shall be deemed to have been below ground in contravention of this Part unless the contrary is proved. 25

#### Miscellaneous

Special exceptions for emergencies.

(1908, s. 1 (2))

**119.**—Where on any occasion a person 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, there shall be deemed not to be a contravention of the foregoing provisions of this Part in relation to him. 30 35

Consultation with owner and persons employed.

(New)

**120.**—Before making any regulations for the purposes of section 110, 112 or 113 the Minister shall consult with the owner of every mine to which the regulations will apply and with any association appearing to him to be representative of persons employed to whom the regulations will apply. 40

Supplemental.

(1908, s. 1 (2))

**121.**—For the purposes of this Part 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. 45

### PART IX

#### RECORDS, RETURNS AND INFORMATION

Form of official books and preservation and inspection of entries therein.

(1911, s. 24)

**122.**—(1) Every book which, in pursuance of this Act or of regulations, is provided by the owner of a mine or quarry for the entry of any report, record or other item of information shall be in such form as the Minister may direct. 50

(2) Every entry made in any such book or a copy of that entry shall be preserved for three years or such other longer or shorter period as may be prescribed for a particular class of entry and, until no longer required to be preserved, shall be kept at the office  
5 at the mine or quarry to which it relates or at such other place as may be approved by an inspector and shall be open to inspection by, or by a person authorised in that behalf in writing by, any person employed at that mine or quarry.

123.—(1) At all times at which persons are employed at a mine  
10 or quarry there shall be kept posted thereat a notice of the name of the mine or quarry, the name and address of the owner and the name of the manager.

Posting of notices.

(1911, s. 88)

(2) Where, in the case of a mine or quarry,—

(a) regulations affecting it are made, or

15 (b) a notice is served under this Act by an inspector on the responsible person,

notice of the making of the regulations or of the service of the notice shall be kept posted at the mine or quarry at all times during a prescribed period.

20 (3) All notices to which this section relates shall be posted in such characters and in such positions as to be easily seen and read by the persons employed, and if a form is specified by the Minister for any such notice, it shall be posted in that form.

(4) It shall be the duty of the manager to keep, at the mine or  
25 quarry, copies of this Act and of any orders, regulations and rules affecting the mine or quarry and to permit persons employed to read them at all reasonable times.

124.—(1) It shall be the duty of the owner of a mine or quarry if directed so to do by the Minister, to furnish to him, within such  
30 period and in such form and manner as may be specified in the direction, such returns and statistics relating to the mine or quarry, and such other information (if any) relating thereto, as may be so specified.

Periodical returns by owners.

(1875, s. 1;  
1911, s. 18)

(2) No returns, statistics or other information obtained under  
35 this section shall, without the consent in writing of the person carrying on the undertaking, be disclosed except—

(a) with the consent of the Minister, to specified persons, being  
40 officers of a State authority, namely, a Minister of State, the Commissioners of Public Works in Ireland or the Land Commission, where the Minister is satisfied that it is necessary for the proper discharge of the functions of that State authority so to do, or

(b) in the form of a summary of similar returns, statistics or  
45 other information furnished by a number of owners of mines or quarries, being a summary so framed as not to enable particulars relating to the undertaking of a particular person to be ascertained therefrom, or

(c) for the purposes of any proceedings for an offence under this Act or any report of any such proceedings.

Notification of beginning and ending of certain mining and quarrying operations.

(1872, s. 12;  
1911, s. 19)

**125.**—(1) The owner of a mine or quarry shall give notice to an inspector of any of the following events—

- (a) the beginning of operations for opening a mine, seam or vein, or a quarry or driving a new shaft or outlet of a mine; 5
- (b) the abandonment of a mine, shaft, outlet, seam or vein, or of a quarry;
- (c) the expiration of, in the case of a mine, seam or vein, two months, and, in the case of a quarry, twelve months, from the day on which it was last worked for getting minerals or products thereof; 10
- (d) the expiration of two months from the day on which a shaft or outlet was last used;
- (e) the resumption of working after abandonment or after the expiration of any such period. 15

(2) The notice shall be given within two weeks after the happening of the event.

(3) Where—

- (a) a mine, seam or vein is abandoned within two months, or a quarry within twelve months, after it was last worked for getting minerals or products thereof, or 20
- (b) a shaft or outlet is abandoned within two months after it was last used,

it shall not be necessary to give notice of the expiration of such period. 25

**126.**—(1) Where a change occurs in the ownership or name of a mine or quarry, the owner shall, within two weeks after the change occurs, give notice thereof to an inspector.

(2) For the purposes of this section a name shall be deemed to be changed if its spelling is altered. 30

Notification of change of ownership or name of mine or quarry.

(1872, s. 12;  
1911, s. 19)

## PART X

### REGULATIONS

Regulations.

(1911, s. 86;  
1920, c. 50, s. 19)

**127.**—(1) The Minister may make regulations for any of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing, regulations may provide for any of the following matters,—any matter referred to in this Act as prescribed or to be prescribed, the prevention of the occurrence of accidents at mines or quarries, the use of vehicles and conveyors in mines and the conditions under which they may be so used, securing the safety, health or welfare of employed persons or maintaining proper discipline amongst them or securing the proper care and treatment of animals in use at mines or quarries. 35 40

(3) The inclusion in this Act of provision in respect of any matter shall not operate to preclude the making of regulations (consistently with that provision) in respect of that matter. 45

(4) Regulations may, subject to any express provision to the contrary, relate to mines or quarries generally, to a specified class thereof, or to a particular mine or quarry.

(5) Regulations may—

- 5 (a) make different provision in respect of different classes of mines or quarries or different subdivisions of a class and in respect of different parts of a mine or quarry;
- (b) grant, or provide for the granting of, exemptions from any of the provisions thereof;
- 10 (c) make provision for any ancillary or supplementary matters for which the Minister thinks proper to provide.

(6) The *Second Schedule* shall apply in relation to the procedure for making regulations.

## PART XI

### 15 CHECKWEIGHING AT COAL MINES

128.—(1) The Checkweighing in Various Industries Act, 1919, shall apply to the getting of coal from coal mines.

Checkweighing of coal.  
1919, c. 51.

(2) The power to make regulations under any provision of the said Act may be exercised by the Minister.

(1887, ss. 12-14;  
1894, c. 52, s. 1;  
1905, s. 1.)

- 20 129.—To avoid doubts, it is hereby enacted that the repeal of the Coal Mines Regulation Act, 1887, the Coal Mines (Check Weigher) Act, 1894, and the Coal Mines (Weighing of Minerals) Act, 1905, effected by *section 10* and the *First Schedule* to this Act, shall not affect the incorporation, by subsection (3) of section 2 of
- 25 the Checkweighing in Various Industries Act, 1919, of the provisions of those Acts set forth and adapted in the *Second Schedule* to that Act and that Act shall be construed and have effect as if the said provisions formed part of that Act.

Construction of Checkweighing in Various Industries Act, 1919.  
1919, c. 51.

## PART XII

### 30 INSPECTORS

130.—(1) The Minister may authorise any of his officers to act as inspectors for the purposes of this Act.

Inspectors.

(1872, ss. 15, 16;  
1911, s. 97)

(2) Notice of an authorisation under this section shall be published in *Iris Oifigiúil*.

- 35 (3) Such annual report of the proceedings of the inspectors as the Minister directs shall be laid before each House of the Oireachtas.

131.—(1) An inspector shall, for the purpose of the execution of this Act, have power—

General powers of inspectors.

- 40 (a) at any time (whether by day or by night) to enter a mine or quarry and to inspect the whole or any part thereof, anything thereat and any animals employed for the purposes thereof;

(1872, s. 17;  
1911, s. 98)

- (b) to make such examination and inquiry as may be necessary—
- (i) to ascertain whether the following are complied with, namely, the provisions of this Act and of orders, regulations and rules thereunder, any direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector and any condition attached to any exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector, or 10
  - (ii) to ascertain any matter appearing to the inspector to affect or relate to the safety or health of persons employed at a mine or quarry or the care or treatment of animals employed thereat and in particular (but without prejudice to the generality of the foregoing) the causes and circumstances of any accident or other occurrence at a mine or quarry, being in either case one of which notice is required by this Act to be given; 20
- (c) on entering any premises, to take with him a member of the *Gárda Síochána* if he has reasonable cause to apprehend any serious obstruction in the exercise of the powers conferred on him by this subsection or, for the purpose of any examination or inquiry relating to the care or treatment of animals, a duly qualified veterinary surgeon; 25
- (d) for the purpose of any examination or inquiry under the foregoing provisions—
- (i) to require any person whom he finds at a mine or quarry, or whom he has reasonable cause to believe to be, or to have within the preceding two months been, employed at a mine or quarry, to answer, in the absence of persons other than a person nominated by him to be present and any persons whom the inspector may allow to be present, such questions as the inspector thinks fit to ask, so however, that no answer given by a person in pursuance of a requirement imposed under this subparagraph shall be admissible in evidence against him in any proceedings, 30 35 40
  - (ii) to take samples of any articles or substances found at a mine or quarry and, in the case of a mine, of the atmosphere therein, and
  - (iii) to take possession of any machinery, apparatus or other article whatsoever at a mine or quarry which appears to him to have caused, or to be likely to cause, danger to safety or health and cause it to be dismantled or subjected to any process or test, notwithstanding that it is thereby damaged or destroyed; 45 50
- (e) to require the production of, and to inspect,—
- (i) any registers, books, plans or other documents which by, or by virtue of, this Act are required to be kept, and 55
  - (ii) any other documents, being documents which are in the possession or under the control of the owner or manager of a mine or the owner or manager of a quarry and are relevant for the purposes of an

examination or inquiry under the foregoing provisions of this section;

5 (f) to require the manager of a mine to mark on any plan of workings in the mine produced in compliance with a requirement imposed under *paragraph (e)* the state, as at the time of the imposition of the requirement, of those workings or of such of them as may be specified in the requirement;

10 (g) to require any person having responsibilities in relation to a mine or quarry (whether or not the owner or a manager or any other person employed thereat) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this subsection;

15 (h) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) A person who—

20 (a) fails to comply with any requirement imposed by an inspector under this section, or

(b) prevents, or attempts to prevent, any other person from appearing before an inspector or from answering any question to which an inspector may, by virtue of the foregoing subsection, require an answer; or

25 (c) without permission granted by an inspector, removes from a mine or quarry, or conceals or tampers with, any machinery, apparatus or other article of which possession has been taken by an inspector under this section, or

30 (d) obstructs an inspector in the exercise or performance of his powers or duties;

shall be guilty of an offence.

35 **132.**—(1) If an inspector is of opinion that a mine or quarry or any part thereof or any matter, thing or practice at a mine or quarry or connected with the control or management of a mine or quarry is or is likely shortly to become dangerous to the safety or health of the persons employed at the mine or quarry or any of them, he may serve on the responsible person a notice stating that he is of that opinion and giving particulars of the reason why he is of that opinion, and imposing upon the responsible person such prohibitions or restrictions or requirements (of whatsoever kind) as appear to the inspector to be necessary for the purpose of safeguarding the safety or health of the persons employed at the mine or quarry.

Power of inspector to require remedy for immediate or apprehended danger.

(1872, s. 18 ; 1911, s. 99)

(2) Nothing in this section shall authorise the service by an inspector of a notice with respect to a mine in a case in which the service by an inspector of a notice on the manager of that mine is authorised by *section 65* or *74*.

50

## PART XIII

### OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

**133.**—(1) In the event of a contravention, in relation to a mine, of—

Offences.  
(1872, s. 31  
1911, s. 101)

- (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 12* 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 and any person who is for the time being treated for the purposes of this Act as the manager.

(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,

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 12* 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, the manager of the quarry and any person who is for the time being treated for the purposes of this Act as the manager thereof.

(3) Neither the manager of a quarry nor a person who is for the time being treated for the purposes of this Act as the manager thereof shall, by virtue of *subsection (2)*, 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 25*.

(4) In the event of a contravention, in relation to a mine, by a person other than one mentioned in *subsection (1)*, 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 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.

5 (5) Neither the manager of a mine or 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 quarry shall, by virtue of *subsection* (1) or (2) be guilty of an offence by reason of a contravention by the owner of the mine or quarry of—

10 (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

15 (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* 14 or 26.

20 134.—If any persons are employed at a mine or quarry otherwise than in accordance with the provisions of this Act, orders made thereunder and regulations, there shall be deemed to be a separate contravention in respect of each person so employed.

Supplementary provisions as to offences.

(1872, s. 31 ;  
1911, s. 101)

25 135.—(1) A person guilty of an offence under this Act for which no express penalty is provided shall be liable on summary conviction thereof—

Penalty for offences for which no express penalty is provided.

30 (a) if he is the owner of a mine or quarry, a person to whom instructions have been given by the owner of a mine or quarry in pursuance of *section* 12, the manager of a mine or a quarry or 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, to a fine not exceeding one hundred pounds, and

(1872, s. 31 ;  
1911, s. 101)

(b) if not, to a fine not exceeding twenty pounds.

35 (2) (a) Where a person is convicted of an offence under this Act and the contravention in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable on summary conviction thereof to a fine not exceeding five pounds for each day on which the contravention is so continued.

40 (b) An offence under this subsection shall be a continuing offence and accordingly fresh proceedings in respect thereof may be taken from time to time.

45 (3) Where the court by which a person is convicted of any such offence as aforesaid is satisfied that the contravention in respect of which he is convicted—

(a) was likely to cause the death of, or serious bodily injury to, a person employed at the mine or quarry in relation to which the contravention occurred or a dangerous accident, or

50 (b) was likely to endanger the safety of any such person,

the court may impose upon the person convicted (either in addition to, or in substitution for, a fine) imprisonment for a term not exceeding three months.

Defence available to person charged with offence not committed personally.

(1872, s. 35;  
1911, s. 102)

**136.**—In any proceedings under this Act which, by virtue of subsection (1) or (2) of section 133 are taken against a person in respect of the contravention by a person other than himself of—

(a) a provision of the Act, of an order made thereunder or of regulations, being a provision which expressly imposes on that other person or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibits him or persons of such a class or all persons from doing a specified act, or 5 10

(b) a 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 that other person,

it shall be a defence for the person charged to prove that he used all due diligence to secure compliance with the provision, prohibition, restriction or requirement, as the case may be. 15

Persons not to be under liability for contraventions which it was impracticable to avoid or prevent.

(1872, s. 35;  
1911, s. 102)

**137.**—It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to a mine or quarry, of— 20

(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 25

(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,

to prove that it was impracticable to avoid or prevent the contravention. 30

Liability of owners for breaches of statutory duty by their servants.

(New)

**138.**—To avoid doubts it is hereby enacted that the owner of a mine or quarry is not absolved from liability to pay damages in respect of a contravention, in relation to the mine or quarry, by a person employed by him of— 35

(a) a provision of this Act, of an order made thereunder or of regulations, or

(b) a prohibition, restriction or requirement imposed by a notice served under or by virtue of this Act by an inspector, 40

by reason only that the provision contravened was one which expressly imposed on that person or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibited that person, or persons of such a class or all persons from doing a specified act or, as the case may be, that the prohibition, restriction or requirement was expressly imposed on that person or that that person was, in pursuance of this Act or regulations, appointed by a person other than the owner. 45

Liability of parents for unlawful employment of children and young persons.

(1872, s. 8;  
1911, s. 102)

**139.**—If a child or young person is employed at a mine or quarry in contravention of the provisions of this Act, the parent of the child or young person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty pounds, unless it appears to the court that the contravention occurred without the consent, connivance or wilful default of the parent. 50

140.—(1) If a person—

Forgery of  
certificates, false  
statements, etc.

(1911, s. 28)

- 5 (a) with intent to deceive, forges or uses or lends to, or allows to be used by, another person a certificate granted under or by virtue of this Act by the Minister, or makes or has in his possession a document so closely resembling any such certificate as to be calculated to deceive, or
- (b) for the purpose of obtaining for himself or another person—
- 10 (i) the grant of any such certificate or the issue of a duplicate thereof or the restoration of any such certificate or a shortening of any period for which any such certificate is suspended, or
- 15 (ii) employment as manager of a mine or employment in an office the appointment to which is required by or by virtue of this Act to be made by the manager of a mine, or
- 20 (iii) employment as manager of a quarry or employment in an office the appointment to which is required by regulations having effect by virtue of *section 29* to be made by the owner or manager of a quarry,
- 25 makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or produces, furnishes, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, furnishes, sends or otherwise makes use of a document which is false in a material particular, or
- 30 (c) wilfully makes a false entry in any register, book, notice or other document required by or by virtue of this Act to be kept, served or given or, with intent to deceive, makes use of any such entry which he knows to be false, or
- 35 (d) in purported compliance with a requirement imposed by or by virtue of this Act to furnish any returns, statistics or other information or to inform a person of the substance of any instructions, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or
- 40 (e) discloses any return, statistics or other information in contravention of this Act, or
- 45 (f) on being required under *paragraph (f) of subsection (1) of section 131* to mark on a plan the state of any workings, marks it thereon in a way which he knows to be false in a material particular or recklessly marks it thereon in a way which is false in a material particular, or
- 50 (g) falsely pretends to be an inspector,  
he shall be guilty of an offence, and liable—
- (i) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both,
- 55 (ii) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred pounds or to both.

(2) In this section "forges" has the same meaning as in the 1913, c. 27. Forgery Act, 1913.

Obligations of persons employed as to health, safety and welfare.

141.—(1) A person employed in a mine or quarry shall not wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the mine or quarry, and where any means or appliance for securing health or safety is provided for the use of any such person under this Act, he shall use the means or appliance. 5

(2) A person employed in a mine or quarry shall not wilfully and without reasonable cause do anything likely to endanger himself or others. 10

Removal or defacement of notices, etc. (1872, s. 29; 1911, s. 121)

142.—If, without reasonable excuse, a person removes, injures or defaces a notice which is for the time being posted at a mine or quarry in pursuance of any provision of this Act or regulations, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds. 15

Prosecution of offences. (1872, ss. 33, 34 1914, ss. 2)

143.—(1) The District Court shall, in any proceedings for an offence under this Act, if required by either party, cause a note of the evidence to be taken and preserved.

(2) Where, in consequence of an accident or other occurrence at a mine or quarry, a special report is made in pursuance of this Act by an inspector, a report is made by a person appointed under this Act to hold a public inquiry or a coroner's inquest is held, and it appears from the report or from the proceedings at the inquest that, at or before the time of the accident or other occurrence, there was a contravention, in relation to the mine or quarry, of 20 25

- (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 30
- (c) a condition attached to an exemption, consent, approval or authority granted under or by virtue of this Act by the Minister or an inspector,

summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within three months after the making of the report or the conclusion of the inquest. 35

(3) Summary proceedings against any person liable to be proceeded against in respect of a contravention of *section 21* may be commenced at any time within three months from the date on which evidence sufficient in the opinion of the Minister to justify a prosecution for the contravention comes to the knowledge of the Minister. 40

For the purposes of this subsection, a certificate of the Minister as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof. 45

(4) *Subsections (2) and (3)* shall have effect notwithstanding paragraph 4 of section 10 of the Petty Sessions (Ireland) Act, 1851, which prescribes time limits in cases of summary jurisdiction.

(5) Where an offence is committed under this Act by reason of a failure to give notice, enter a report or do any other thing at or within a time specified by this Act, an order made thereunder, regulations or a notice served under or by virtue of this Act by 50

an inspector, the offence shall be deemed to continue until the notice is given, the report entered or the other thing done, as the case may be.

5 **144.**—No proceedings for an offence under this Act shall be instituted against any such person as is mentioned in *paragraph (a)* of *subsection (1)* of *section 135* except by or with the consent of the Minister or the Attorney General.

Restriction on institution of certain proceedings.

(1872, s. 35;  
1911, s. 102)

10 **145.**—(1) An owner or manager of a mine or quarry by whom are instituted proceedings against a person employed at the mine or quarry for an offence under this Act shall, within twenty-one days after the conclusion of the trial of that person for that offence, give to an inspector notice of the result of the trial and shall also, within twenty-one days after the conclusion of any proceedings by way of appeal arising out of the trial, give to an  
15 inspector notice of the result of those proceedings.

Duty to report results of proceedings against persons employed at mines or quarries.

(1911, s. 106)

(2) For the purposes of this section the bringing of proceedings before the High Court to quash a conviction by order of a certiorari shall be deemed to be an appeal.

#### PART XIV

##### MISCELLANEOUS

20 **146.**—(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 quarry, being a notice which is expressly declared to be one  
25 to which the provisions of this section with respect to references upon notices served by inspectors are to apply.

Provisions as to references upon notices served by inspectors.

(1872, s. 21;  
1887, s. 47;  
1911, ss. 116, 117)

30 (2) (a) 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  
35 section which is appropriate to the circumstances of the case.

40 (b) 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—

- 45 (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;
- 50 (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—

(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; 5

(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; 10

and where the notice is confirmed subject to any modification it shall take effect as modified. 15

(5) For the purposes of *subsection (4)*—

(a) in the case of any such notice served under a provision of this Act, any of the following grounds which are appropriate to the circumstances of the case shall be a relevant ground of objection— 20

(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; 25

(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 any provision of regulations, the relevant ground or grounds of objection shall be such as may be prescribed. 30

(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. 35

(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. 40

(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; 45

(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)* and the period within which such a notice must be served; 50

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. 55

(9) The reference in subsection (2) to the nominated selector shall be construed as referring to such person as may for the time being be nominated by the Minister to discharge the duty of selecting referees to act upon references under this section.

- 5 147.—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  
10 compliance with the provisions of this Act or any particular provision thereof, he may by regulations exempt mines or quarries of that class from such provisions or provision for such period, and  
15 subject to such conditions, as he may prescribe.

Power of Minister to grant exemptions for limited period.

(1911, s. 86)

- 15 148.—Any power conferred by this Act to make an order 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.

Revocation and variation of orders.

- 20 149.—(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 registered post to, his office.

Mode of service of notices.

(1872, s. 40 ;  
1911, s. 120)

(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—

- 25 (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 registered post addressed to him at his usual or last known place of abode or the proper postal address of the mine or quarry ;  
30 (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 registered post addressed to the secretary or clerk to the body at that office ;  
35 (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 registered post to, the office of the firm.

- 40 (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 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 registered post addressed to him at the proper postal address of the mine or quarry.

(4) This section shall apply to the sending or lodging of any document as it applies to the giving of a notice.

- 45 150.—(1) Where the age of any person is required to be ascertained or proved for the purposes of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as may be directed by the Minister for Health and on payment of the appointed fee, be entitled to obtain a certified copy  
50 of the entry of the birth of that person in the register of births under the hand of the registrar or superintendent registrar or other person having the custody thereof, and forms for such requisition shall on request be supplied without any charge by every registrar of births and by every superintendent registrar or other person having the custody of the register.

Certificates of birth.

(New)

(of. 1955, No. 10,  
s. 114)

(2) The Minister for Health may, with the consent of the Minister and the Minister for Finance, by regulations appoint fees for the purposes of this section.

Advisory Council.

(New)

(cf. 1955, No. 10,  
s. 127)

151.—(1) There shall be a council consisting of a chairman and eight ordinary members (in this section referred to as the Advisory Council) to perform the functions assigned to it by this section. 5

(2) The Advisory Council shall consider, and advise the Minister on, any matters arising on or in relation to the execution of this Act (including any proposals by the Minister to make, amend or revoke any orders or regulations under this Act) which the Minister may refer to the Council. 10

(3) The Advisory Council may, as they consider necessary from time to time, advise the Minister on:—

(a) the desirability of making, amending or revoking any orders or regulations under this Act; 15

(b) matters relating to the enforcement of the provisions of this Act or of orders or regulations made under this Act;

(c) the organisation or promotion of safety and welfare campaigns among employees and employers;

(d) the organisation of lectures, film shows or exhibitions, the publication of posters or pamphlets or any other measures, being lectures, film shows, exhibitions, posters, pamphlets or measures designed to educate employees and employers on questions of safety and welfare in mines and quarries and on methods of safeguarding and improving the health of workers. 20 25

(4) The Chairman and the ordinary members of the Advisory Council shall be appointed by the Minister.

(5) The first such appointment shall be made as soon as conveniently may be after the passing of this Act and subsequent appointments shall be made from time to time as occasion requires. 30

(6) In appointing persons to be ordinary members of the Advisory Council, the Minister shall include persons representative of organisations of employees and of organisations of employers.

(7) The Chairman and the ordinary members of the Advisory Council shall hold office for such period as the Minister may decide. 35

(8) On the request of the Advisory Council and subject to the consent of the Minister, an inspector may attend a meeting of the Advisory Council for the purpose of giving any information which the Advisory Council may request for the purposes of discharging its functions. 40

FIRST SCHEDULE

Section 10.

ENACTMENTS REPEALED

Session and Chapter or Year and Number	Short Title	Extent of Repeal
35 & 36 Vict. c. 77.	Metalliferous Mines Regulation Act, 1872.	The whole Act.
38 & 39 Vict. c. 39.	Metalliferous Mines Regulation Act, 1875.	The whole Act.
45 & 46 Vict. c. 3.	Slate Mines (Gunpowder) Act, 1882.	The whole Act.
46 & 47 Vict. c. 31.	Payment of Wages in Public Houses Prohibition Act, 1883.	In section 2, the words from "nor any person" to the end of the section.
50 & 51 Vict. c. 58.	Coal Mines Regulation Act, 1887.	The whole Act.
57 & 58 Vict. c. 42.	Quarries Act, 1894.	The whole Act.
57 & 58 Vict. c. 52.	Coal Mines (Check Weigher) Act, 1894.	The whole Act.
63 & 64 Vict. c. 21.	Mines (Prohibition of Child Labour Underground) Act, 1900.	The whole Act.
5 Edw. 7, c. 9.	Coal Mines (Weighing of Minerals) Act, 1905.	The whole Act.
6 Edw. 7, c. 53.	Notice of Accidents Act, 1906.	Sections 1, 2, 3 and 5.
8 Edw. 7, c. 57.	Coal Mines Regulation Act, 1908.	The whole Act.
10 Edw. 7, & 1 Geo. 5, c. 15.	Mines Accidents (Rescue and Aid) Act, 1910.	The whole Act.
1 & 2 Geo. 5, c. 50.	Coal Mines Act, 1911.	The whole Act.
4 & 5 Geo. 5, c. 22.	Coal Mines Act, 1914.	The whole Act.
6 & 7 Geo. 5, c. 31.	Police, Factories, etc., (Miscellaneous Provisions) Act, 1916.	Section 10.
10 & 11 Geo. 5, c. 50.	Mining Industry Act, 1920.	Section 19.
10 & 11 Geo. 5, c. 65.	Employment of Women, Young Persons and Children Act, 1920.	The whole Act so far as it relates to mines.
1955, No. 10.	Factories Act, 1955.	Section 128.

SECOND SCHEDULE

Section 127.

PROCEDURE FOR MAKING REGULATIONS

1. Before the Minister makes any general regulations, he shall publish in *Iris Oifigiúil* and in such manner as he thinks best adapted for informing persons affected, notice of his intention to make the regulations. (1955, No. 10, 3rd sch.)

2. Before the Minister makes any special regulations, he shall give notice in such manner as he thinks best adapted for informing persons affected of his intention to make the regulations.

3. In either case, the notice shall specify a place where copies of a draft thereof may be obtained and the time (which shall be not less than twenty-one days from the date of publishing or giving the notice) within which any objection made with respect to the draft regulations must be sent to him.

4. (1) Special regulations shall not be made otherwise than on an application made by an inspector or by or on behalf of the owner or the majority of the persons employed at the mine or quarry.

(2) The application must be accompanied by a draft of the proposed regulations. 5

5. Every objection must be in writing and state—

(a) the specific grounds of objection,

(b) the omissions, additions, or modifications asked for.

6. The Minister shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations and, after doing so, he shall, unless an inquiry has been held under this Schedule, cause the amended draft to be dealt with in like manner as an original draft. 10

7. If after the publication of the notice with respect to any draft regulations (whether an original or amended draft) any general objection as hereinafter defined is made within the required time with respect to the draft and not withdrawn, then, unless a previous inquiry under this Schedule has been held with respect to the draft or some previous draft of the regulations or the Minister withdraws the draft regulations, he shall before making the regulations direct an inquiry to be held in the manner hereinafter provided. The Minister may, if he thinks fit, also direct such an inquiry to be held in regard to any objection, notwithstanding that no such general objection has been made or that such a previous inquiry has been held as aforesaid. 15  
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8. Where any such inquiry is to be held as to any draft regulations, the following provisions shall have effect with respect to the inquiry:

(a) the Minister shall appoint a competent person or competent persons to hold the inquiry, and to report to him thereon, 30

(b) the inquiry shall be held in public, and any inspector and any objector and any other person who, in the opinion of the person holding the inquiry or, if there is more than one such person, of the person presiding over the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent, 35

(c) the witnesses may, if the person holding or presiding over the inquiry thinks fit, be examined on oath (which such person is hereby empowered to administer), 40

(d) subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Minister and the rules may make provision as to the costs of the inquiry and other proceedings, including the remuneration of the person or persons holding the inquiry. 45  
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9. For the purposes of this Schedule "general objection" means, as respects any draft regulations, an objection made— 50

(a) in the case of general regulations—

(i) by or on behalf of the majority of the owners of mines or quarries affected by the draft regulations or by or on behalf of the owners employing a majority of the persons employed; or by any person who satisfies the Minister that he or an associa- 55

tion on behalf of which he acts, represents a majority of the persons employed, or

(ii) by or on behalf of the majority of the owners of any class or description of mines or quarries affected as respects which it appears to the Minister that, by reason of special conditions existing in connection therewith, there is reason to believe that any of the requirements of the draft regulations may be unnecessary or inappropriate in the case of that class or description, or by or on behalf of the owners employing a majority of the persons employed in any such class or description of mines or quarries; or by any person who satisfies the Minister that he or an association on behalf of which he acts represents a majority of the persons employed in any such class or description of mines or quarries;

(b) in the case of special regulations—by or on behalf of the owner of the mine or quarry or by any person who satisfies the Minister that he or an association on behalf of which he acts, represents a majority of the persons employed.

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(ii) by or on behalf of the owners of any class or description of mines or quarries situated in any area specified in the Schedule to this Act; or  
by or on behalf of the Minister in respect of any class or description of mines or quarries situated in any area specified in the Schedule to this Act, where it appears to the Minister that special conditions exist in connection with the operation of such mines or quarries, and there is reason to believe that any of the requirements of the draft regulations may be unnecessary or inappropriate in the case of that class or description, or by or on behalf of the owner of any such mine or quarry, or of any person employed in any such mine or quarry, or of any person who satisfies the Minister that he or an association of which he is a member represents a majority of the persons employed in any such mine or quarry.

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Acht do dhéanamh comhdhlúthú, maille le leasuithe, ar achtacháin a bhaineann le mianaigh agus cairéil.

An Act to consolidate, with amendments, enactments relating to mines and quarries.

*Rite ag dhá Theach an Oireachtais,  
4 Bealtaine, 1965*

*Passed by both Houses of the Oireachtas,  
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