



Mines and Quarries Act 1954

1954 CHAPTER 70

PART III

SAFETY, HEALTH AND WELFARE (MINES)

Lighting, Lamps and Contraband

61 Lighting

- (1) It shall be the duty of the manager of every mine—
 - (a) to secure the provision of—
 - (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 (account being taken, where lamps are normally carried by persons who work in or pass through any such part, of the amount of light emitted by those lamps);
 - (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 ;
 - (b) to secure that all apparatus installed at the mine for producing artificial lighting thereat is properly maintained.
- (2) Provision may be made by regulations for requiring the provision and maintenance, at such places at a mine as may be prescribed, of such lights as may (be prescribed; but nothing in regulations having effect by virtue of this subsection shall be construed as being in derogation of the general obligation imposed by subsection (1) of this section.

Status: This is the original version (as it was originally enacted).

62 Permitted lights

- (1) Subject to the provisions of this section, no lamps or lights other than permitted lights shall be allowed or used below ground in a mine of coal first opened on or after the date of the commencement of this Act.
- (2) Subject to the provisions of this section, no lamps or lights other than permitted lights shall be allowed or used below ground in a mine (whether of coal or of any other mineral) first opened before the said date, being either—
 - (a) a mine in the case of which, immediately before that date, the use below ground therein of lamps or lights, other than locked safety-lamps or some other means of lighting the use of which below ground therein was authorised by or under the enactments repealed by this Act, was unlawful or would have been unlawful but for an exemption then in force ; or
 - (b) a mine (other than as aforesaid) in the case of which locked safety-lamps were being used below ground therein immediately before that date otherwise than by way of temporary precaution.
- (3) Subject to the provisions of this section, no lamps or lights other than permitted lights shall, in the case of a mine (whether of coal or of any other mineral) first opened before the said date (not being a mine to which subsection (2) of this section applies) or of a mine other than of coal first opened on or after the said date, be allowed or used below ground after—
 - (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
 - (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
 - (c) the expiration of the period of four weeks beginning with the day next following that on which there has become operative a notice served on the manager of the mine 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.
- (4) Such a notice as is mentioned in paragraph (c) of the last foregoing subsection shall not be served otherwise than in a case where inflammable gas is known to have been naturally present in the mine to which it relates at some time during the period of five years ending with the date on which service is effected, and the provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to any such notice.
- (5) If an inspector is satisfied with respect to a mine or a part of a mine that, by reason of the special character of the mine or part, compliance with the requirements of the foregoing provisions of this section is unnecessary, he may, by notice served on the manager of the mine, exempt the mine or part from those provisions:

Provided that no exemption from the said provisions of a part of a mine of coal shall be granted after the expiration of the period of four years beginning with the commencement of this Act or shall be granted or renewed before the expiration of that period otherwise than so as to expire not later than the expiration of that period.

63 Safety-lamps and lighting apparatus regulations

Regulations may make provision with respect to—

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- (a) the construction of safety-lamps and other lighting apparatus for use in mines and of parts of, and accessories to, such lamps or apparatus ;
- (b) the repair, maintenance, alteration, adjustment and testing of such lamps, apparatus, parts and accessories;
- (c) the giving out to, and the use and handing in by, persons employed at mines of such lamps and apparatus.

64 Prohibition of taking into mines safety-lamps not provided by owner or of approved type

- (1) No person shall take or use below ground in a mine a safety lamp other than one provided by the owner of the mine.
- (2) No person shall take or use below ground in a mine a safety lamp other than one of a type for the time being approved by the Minister—
 - (a) for use in mines generally, in mines of a class to which that mine belongs or in that mine; and
 - (b) for use by all persons or persons of a class to which that person belongs.

65 Offences relating to safety-lamps

- (1) A person who damages, destroys or loses or suffers to be damaged, destroyed or lost a safety-lamp given out to him at a mine shall be guilty of an offence:

Provided that, in any proceedings taken against a person in respect of an offence under this section with respect to a safety-lamp, it shall be a defence for him to prove that he took reasonable steps for the care and preservation of the lamp and that, immediately after the occurrence of the damage, destruction or loss, as the case may be, he notified an official of the mine of its occurrence.
- (2) A person who tampers with a safety-lamp given out to him at a mine shall be guilty of an offence.

66 Prohibition of possession of smoking materials in certain mines and parts of mines

- (1) A person who takes or has in his possession below ground in a safety-lamp mine or takes into, or has in his possession in, a safety-lamp part of a mine, any cigar or cigarette, any pipe or other contrivance for smoking or any match or mechanical fighter, shall be guilty of an offence.
- (2) It shall be the duty of the manager of every safety-lamp mine and of every mine containing a safety-lamp part—
 - (a) to make, and to ensure the efficient carrying out of, arrangements whereby all persons employed below ground in the mine or, as the case may be, employed in the safety-lamp part thereof or such of those persons as may be selected in accordance with a system approved by an inspector by notice served on the manager of the mine, and any articles which they have with them, and all other persons and any articles which they have with them, will, for the purpose of ascertaining whether any of them has in his possession any such article as is mentioned in subsection (1) of this section, be searched in the authorised manner immediately before, or (if that is impracticable) immediately after,

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they go below ground in the mine on any occasion or, as the case may be, enter the safety-lamp part thereof on any occasion ; and

- (b) to secure that, at any time when the said arrangements are not in operation, no person goes below ground in the mine or, as the case may be, enters the safety-lamp part thereof;

and the manager of every safety-lamp mine and of every mine containing a safety-lamp part may, at any time when a person is below ground in the mine or is in the safety-lamp part thereof, as the case may be, cause him and any article which he has with him to be searched in the authorised manner for the purpose of ascertaining whether he has in his possession any such article as is mentioned in subsection (1) of this section.

- (3) Where, upon a search made in pursuance of this section, a person who is about to go below ground in a safety-lamp mine or to enter a safety-lamp part of a mine is found to have in his possession any such article as is mentioned in subsection (1) of this section, he shall be guilty of an offence.
- (4) Without prejudice to the institution of proceedings against a person for an offence under this section, any such article as is mentioned in subsection (1) of this section which is found upon any search made at a mine in pursuance of 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.
- (5) No person shall, in pursuance of this section, search any other person on any occasion unless he has previously 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 such article as is mentioned in subsection (1) of this section.
- (6) A person who on any occasion refuses to allow himself or an article which he has with him to be searched in pursuance of this section shall be guilty of an offence and, without prejudice to the institution of proceedings against him in respect of the offence, if the refusal occurs before he goes below ground in a mine shall not be allowed to go below ground in it on that occasion and, if the refusal occurs when he is in a mine, shall not be allowed to remain in it on that occasion.
- (7) It shall be the duty of the manager of every safety-lamp mine and of every mine containing a safety-lamp part to secure that, at or near every place where searches are carried out under arrangements made in pursuance of paragraph (a) of subsection (2) of this section, notices warning persons of their liability under subsection (1) thereof are kept posted in such characters and in such positions as to be easily seen and read by persons liable to be searched.
- (8) In this section the expression " mechanical lighter " means a mechanical, chemical or electrical contrivance designed or adapted primarily for the purpose of igniting tobacco and the expression " authorised manner " means such manner as may be specified in an order made by the Minister.

67 Prohibition of taking into certain mines and parts of mines of articles producing flames or sparks

- (1) Subject to the provisions of this section, no article designed or adapted to produce an unprotected flame or an unprotected spark shall be taken or used below ground in a safety-lamp mine or taken into, or used in, a safety-lamp part of a mine.
- (2) Nothing in the foregoing subsection shall be construed as prohibiting—

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- (a) the taking into, or use in, a mine or part of a mine of any article in accordance with this Act or regulations;
- (b) the taking into, or use in, a mine of any class or part of a mine of any class of an article of a description authorised by order of the Minister to be used in a mine of that class;
- (c) the taking into, or use in, a mine or part of a mine of an article of a description authorised in writing by an inspector to be used in that mine or, as the case may be, that part of that mine.