

SCHEDULE 2

Regulation 2(1)(b), (2)(b) and (3)(b)

PART I

Modifications of the 1954 Act

1. In section 1(1)(b) , after the words “and regulations” , where they secondly appear, there shall be inserted the words “and all requirements or prohibitions imposed by or under the Health and Safety at Work etc. Act 1974 or health and safety regulations”.

2. In section 10 after the word “regulations” , there shall be inserted the words “or health and safety regulations” and after the words “by virtue of this Act” , there shall be inserted the words “or by health and safety regulations which expressly apply to all mines, any class of mine to which the mine belongs or the mine”.

3. Sections 15, 19, 20(3) to (5), 64(2), 74(2), 84(3), 107, 112(2), 116(1), 128(1), 131(1), 133(1), 136(3), 137, 147(1), 149(1), 150, 152, 157, 176, 180(4) and (5), 182 (definition of “contravention”) and Schedule 3, paragraphs 3 to 17, shall have effect as if the references to the Secretary of State were references to the Health and Safety Executive.

4. Sections 22, 24 and 83 shall have effect as if the references to the Secretary of State were omitted.

5. In section 105(1) , after the word “regulations” , there shall be inserted the words “or health and safety regulations” and after the words “by virtue of this Act” , there shall be inserted the words “or by health and safety regulations which expressly apply to all quarries, any class of quarry to which the quarry belongs or the quarry”.

6. In section 133(1) , after the word “regulations” , there shall be inserted the words “or health and safety regulations which expressly apply to all mines or quarries, any class of mine or quarry to which the mine or quarry belongs or the mine or quarry” .

7. In section 135 , after the words “ Mines and Quarries (Tips) Act 1969” there shall be inserted the words “and of the Health and Safety at Work etc. Act 1974” , after the word “regulations,” , there shall be inserted the words “health and safety regulations,” and after the words “under or by virtue of this Act” there shall be inserted the words “or the Health and Safety at Work etc. Act 1974” .

8. In section 141(5) after the words “this section” , there shall be inserted the words “as originally enacted” .

9. Section 147(2) shall have effect as if, for the word “he” , there were substituted the words “the Secretary of State” and as if the other references to the Secretary of State were references to the Health and Safety Executive.

10. In section 148 —

- (a) subsections (2), (3), (6) and (7) shall have effect as if the references to the Secretary of State were references to the Health and Safety Commission; and
- (b) subsection (4) shall have effect as if, for the word “he” , there were substituted the words “the Secretary of State” and as if the other reference to the Secretary of State were a reference to the Health and Safety Commission.

11. In section 149 —

- (a) subsection (4) shall have effect as if the first reference to the Secretary of State and the third reference to the Mining Qualifications Board were references to the Health and Safety Commission;

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- (b) subsection (5) shall have effect as if the reference to the Secretary of State were a reference to the Health and Safety Commission; and
 - (c) subsection (6) shall have effect as if the second reference to the Secretary of State were a reference to the Health and Safety Commission.
- 12.** In section 152 —
- (a) in subsection (1), after paragraph (c), the following paragraph shall be inserted:—
 - “(d) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all mines, any class of mine to which the mine belongs or the mine”.
 - (b) in subsection (2), after paragraph (c), the following paragraph shall be inserted:—
 - “(d) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all quarries, any class of quarry to which the quarry belongs or the quarry”.
 - (c) in subsection (3), for the words from “being a provision” to “or all persons”, there shall be substituted in each case the words “or such a requirement or prohibition as is mentioned in paragraph (d) of that subsection, whereby there is expressly imposed on that person or on persons of a class to which he belongs a duty or requirement or he or persons of a class to which he belongs or all persons are expressly prohibited”.
 - (d) in subsection (4), after paragraph (b), the following paragraph shall be inserted:—
 - “(c) any requirement or prohibition expressly imposed by or under such health and safety regulations as are mentioned in paragraph (d) of subsections (1) and (2) of this section on the owner of the mine or quarry”.
- 13.** In section 156 , after paragraph (b), the following paragraph shall be inserted:—
- “(c) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all mines or quarries, any class of mine or quarry or a particular mine or quarry being a requirement expressly imposed on that person or on persons of a class to which, at the time of the contravention, he belonged, or a prohibition expressly imposed on him or on persons of such class or on all persons from doing a specified act”.
- 14.** In section 157 , after paragraph (c), the following paragraph shall be inserted:—
- “(d) a requirement or prohibition imposed by or under such health and safety regulations as are mentioned in subsection (1)(d) or (2)(d) of section 152 of this Act”.
- 15.** Section 173 shall have effect as if any reference to an order were omitted.
- 16.** There shall be substituted for section 174 the following section:—
- “**174.**—(1) The power conferred by section 170(8)(b) of this Act on the Secretary of State to make rules shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) The provisions of section 50 of the Health and Safety at Work etc. Act 1974 shall apply to the power mentioned in the preceding paragraph as they apply to a power to make regulations.”.
- 17.** In section 176 —
- (a) in subsection (1), after the words “regulations” , there shall be inserted the words “or health and safety regulations which expressly apply to all mines or quarries, any class of mines or quarries or a particular mine or quarry”; and

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- (b) in subsection (2), after the word “regulations” , in each case where it appears, there shall be inserted the words “or such health and safety regulations”.

18. In section 182(1) —

- (a) in the definition of “contravention”, after sub-paragraph (c), the following sub-paragraph shall be inserted:—

“(d) a prohibition or requirement imposed by or under health and safety regulations which expressly apply to all mines or quarries, any class of mine or quarry or a particular mine or quarry;”

- (b) the following definition shall be inserted before that of “inset”:—

“health and safety regulations” has the meaning assigned by section 15(1) of the Health and Safety at Work etc. Act 1974”;

- (c) for the definition of “inspector”, there shall be substituted the following definition:—

“inspector” means an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 and references in any provision of this Act to the inspector for the district are references as respects a mine or quarry, to the inspector so appointed for carrying into effect the provisions of the Mines and Quarries Acts 1954 to 1971 in the district in which the mine or quarry is situated;”.

19. In Schedule 3 , paragraph 2 shall have effect as if the first reference to the Secretary of State were a reference to the Health and Safety Executive.

PART II

Modifications of the 1969 Act

20. In section 2—

- (a) in subsections (3)(b) and (4), for the words “the Minister may by order”, there shall be substituted the words “the Health and Safety Executive may”; and
- (b) subsection (5) shall have effect as if the references to an order made under subsection (3)(b) or subsection (4) of the section were references to a direction given under those provisions.

21. Sections 3(2) , 7(2) to (4) and 10(2) shall have effect as if the references to the Secretary of State were references to the Health and Safety Executive.

22. In section 3(2) , after paragraph (c), the following paragraph shall be inserted:—

“(d) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all mines or quarries, any class of mines or quarries to which the mine or quarry belongs or the mine or quarry.”.

PART III

Modifications of the 1971 Act

23. In section 1(4)(b) , for the words from “to 118” to “and diseases”, there shall be substituted the words “and 117 of the Mines and Quarries Act 1954 (notification of accidents and dangerous occurrences)”.