



Mines and Quarries Act 1954

1954 CHAPTER 70

PART IV

MANAGEMENT AND CONTROL (QUARRIES)

98 Appointment of quarry managers

- (1) Subject to the following provisions of this Act, no quarry shall be worked unless either—
 - (a) there is a sole manager of the quarry, being an individual, and every part thereof is within his jurisdiction ; or
 - (b) there are two or more managers of the quarry, being individuals, and the following conditions are satisfied, namely,—
 - (i) that every part of the quarry is within the jurisdiction of some one of the managers but not within the jurisdiction of any of the others; and
 - (ii) that the parts of the quarry over which they severally exercise jurisdiction are defined by an instrument in writing executed by the owner of the quarry and lodged with the inspector for the district and approved by him by notice served on the owner.
- (2) Approval for the purposes of sub-paragraph (ii) of paragraph (b) of the foregoing subsection shall, in the case of a quarry, not be withheld or withdrawn by an inspector unless he is satisfied that failure to withhold or withdraw it would or might be likely to result in the safety or health of the persons employed at that quarry being prejudiced.
- (3) A manager of a quarry shall be appointed by the owner thereof who, if an individual, may appoint himself.

99 General powers and duties of quarry managers

Subject to the provisions of the next following section—

- (a) a sole 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 of the quarry, and shall also have the duty of securing the discharge

Status: This is the original version (as it was originally enacted).

by all others of obligations imposed on them with respect to the quarry by or by virtue of the following provisions of this Act; and

- (b) a manager of a quarry who is not the sole manager thereof shall have the management and control, exercisable as aforesaid, of the part of the quarry over which his jurisdiction extends, and shall also have the duty of securing, so far as regards that part, the discharge by all others of such obligations as aforesaid.

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

- (1) In the case of any quarry, there shall be excepted from the management and control vested in a manager thereof by the last foregoing section any matter responsibility for which is for the time being reserved to himself by the owner of the quarry by instrument in writing executed by him and lodged with the inspector for the district, and a manager of a quarry shall not, so far as regards any matter which, by virtue of the foregoing provisions of this subsection, is excepted from the management and control vested in him as aforesaid, be concerned to secure compliance with any requirement imposed with respect to the quarry by or by virtue of this Act.
- (2) If the inspector for the district is of opinion that, in the case of a quarry, reservation to the owner thereof, by an instrument lodged with the inspector for the purposes of the foregoing subsection, of responsibility for any particular matter is, or might be, likely to prejudice the safety or health of persons employed at that 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) of this section shall be construed as authorising the divestment of, or as operating to divest, a manager of a quarry of any duty expressly imposed on him by or by virtue of the following provisions of this Act.

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

- (1) Any instructions given to a manager of a quarry by or on behalf of the owner thereof, being instructions affecting the fulfilment, in relation to the quarry, by the manager of statutory responsibilities of his shall, so far as they are not written, be confirmed in writing by the person by whom they were, given forthwith after the making of a request in that behalf by that manager.
- (2) Except in a case of emergency, neither the owner of a quarry nor a person acting on his behalf shall, except with the consent of a manager of the quarry, give, otherwise than through that manager, to a person employed at the quarry who is responsible to that manager, any instructions affecting the discharge of that person's duties in relation to a matter over which the management and control vested in that manager by section ninety-nine of this Act extends; and where the owner of a quarry or a person acting on his behalf gives, in either of the said excepted cases, instructions which, apart from the exception, would be required to be given through a manager of the quarry, the person who gave the instructions shall, forthwith after he has given them, inform the manager through whom, apart from the exception, the instructions would have been required to be given of the substance thereof and, if requested so to do by him, confirm them in writing forthwith after the making of the request.

The foregoing provisions of this subsection shall not apply to any instructions given to a person responsible to a manager of a quarry by a person who is himself responsible to that manager for those instructions.

102 Temporary appointments during vacancy in office of quarry manager

- (1) Where a manager of a quarry dies, resigns or otherwise ceases to hold office, nothing in section ninety-eight of this Act shall prevent the 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 of the quarry to exercise and perform, in the event of that manager's ceasing to hold office, his powers and duties until a successor is appointed, being a person who has the like jurisdiction as that manager had immediately before he ceased to hold office.
- (2) A person appointed by the owner of a quarry as mentioned in the foregoing subsection shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act and regulations—
 - (a) if he is acting in the place of a sole manager of the quarry to which the appointment relates, in all respects as if he were the sole manager thereof;
 - (b) if not, in all respects as if he were a manager of the quarry with the like jurisdiction as the manager in whose place he is acting.

103 Supervision by quarry managers

- (1) No quarry of which there is a sole manager shall be worked unless close and effective 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 of the quarry to exercise such supervision during any such period, and no quarry of which there are two or more managers shall be worked unless close and effective supervision is exercised by each manager or, during any such period as aforesaid, by a person appointed as aforesaid, over all operations in progress in every part of the quarry to which the jurisdiction of that manager extends:

Provided that nothing in the foregoing provisions of this subsection shall be construed as requiring the supervision thereby required to be exercised by a manager of a quarry to extend to any operation in so far as it involves matters which, by virtue of section one hundred of this Act, are excepted from the management and control vested in him by section ninety-nine thereof.

- (2) A person appointed by the owner of a quarry as mentioned in the foregoing subsection shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act and regulations—
 - (a) where there is a sole manager of the quarry to which the appointment relates, in all respects as if he were sole manager thereof;
 - (b) where there are two or more managers of that quarry, in all respects as if he were the manager whose absence or inability to act is the occasion for his acting in exercise of his appointment;

but nothing in the foregoing provisions of this subsection shall be construed as divesting a manager of a quarry of any power, or relieving him from any duty or liability, conferred or imposed on him by or by virtue of this Act.

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

Regulations may prohibit the carrying on at a quarry of operations of a prescribed class unless the part of the quarry in which operations of that class are carried on is within the jurisdiction of a manager who has the prescribed qualifications, and any such regulations may—

- (a) make such provision for rendering temporarily inapplicable the prohibition thereby imposed as it appears to the Minister requisite or expedient to make for the purpose of avoiding, in the case of a manager's ceasing to hold office, sudden cessation of the carrying on at the quarry of operations of that class ;
- (b) provide that the last foregoing section shall not operate to authorise the working of a quarry by virtue of the exercise, over operations of that class, of supervision by a person other than a manager, unless that person has the prescribed qualifications; and
- (c) confer upon a manager of a quarry who has the prescribed qualifications, with respect to instructions given by or on behalf of the owner of the quarry, such rights to require written confirmation of the instructions as a condition precedent to the execution thereof (whether by himself or another) as it may appear to the Minister requisite or expedient to confer on the manager for the purpose of securing that the safety and health of persons employed at the quarry is not prejudiced or that the manager is not impeded in the discharge of duties imposed on him by or by virtue of this Act.

105 Duties of quarry managers and owners with respect to reading of reports, and c

- (1) It shall be the duty of every 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 section ninety-nine of this Act 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.
- (2) Where responsibility for any matter is for the time being 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 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.

106 Officials, and c

Regulations may require the appointment by owners or managers of quarries, for the purpose of supervising, inspecting or conducting thereat, or in relation thereto, such operations or matters as may be prescribed, of such officials, engineers or technicians or other competent persons as may be prescribed, and regulations made by virtue of

this section may prescribe the qualifications to be held and the duties to be discharged by the persons thereby required to be appointed.

107 Notification to district inspector of appointments by quarry owners

Forthwith after the appointment by the owner of a quarry of a person to be a manager thereof, to exercise and perform, in the event of a manager thereof ceasing to hold office, his powers and duties until a successor is appointed, or to exercise close and effective supervision during a period when a manager of the quarry is absent or unable to exercise such supervision, the owner shall give to the inspector for the district 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.