



Mines and Quarries Act 1954

1954 CHAPTER 70 2 and 3 Eliz.2

PART XV

MISCELLANEOUS AND GENERAL

Supplementary Provisions

^{F1}168 Division of mines.

.....

Textual Amendments

F1 S. 168 repealed (1.10.1993) by S.I. 1993/1897, reg. 41(1), Sch. 3 Pt. I.

169 Demarcation of quarries.

- (1) Where it appears to an inspector that doubt exists with respect to the boundary between two adjoining quarries, he may, by notice served on the owner of the quarries in a case where the same person is owner of both quarries, or on the respective owners of the quarries in any other case, require that, before the expiration of such period as may be specified in the notice, the boundary between the two quarries shall be determined by the owner or, as the case may be, by agreement between the respective owners and as so determined shall be notified to the inspector for the district by written instrument lodged with him by the owner or owners; and the boundary as so notified in compliance with the requirements of the notice shall, subject to any subsequent variation so determined and notified, be deemed for the purposes of this Act to be the boundary between the two quarries.
- (2) In any proceedings taken in respect of the failure of the owner of one of two adjoining quarries who is not also the owner of the other quarry to comply with the requirements of a notice under the foregoing subsection, it shall be a defence to prove that the failure

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was solely due to his inability to reach agreement with respect to the boundary with the owner of the other quarry.

170 Provisions as to references upon notices served by inspectors.

- (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 the owner or a manager of a quarry, being a notice which is expressly declared to be one to which the provisions of this Part of this Act with respect to references upon notices served by inspectors are to apply.
- (2) 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 section which is appropriate to the circumstances of the case:
 Provided that, 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, that is to say:—
 - (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;
 - (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, namely,—
 - (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;
 - (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;

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

- (5) For the purposes of the last foregoing subsection—
 - (a) in the case of any such notice served under a provision of this Act (other than subsection (3) of section one hundred and sixty-eight), any of the following grounds which are appropriate to the circumstances of the case shall be a relevant ground of objection, namely,—
 - (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;

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- (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 the said subsection (3), the relevant ground of objection shall be that the division of the mine to which the notice relates neither prejudices nor is likely to prejudice the safety or health of any of the persons employed at the mine;
 - (c) 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.
- (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.
- (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.
- (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;
 - (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) of this section and the period within which such a notice must be served;
- 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.
- (9) The reference in subsection (2) of this section to the nominated selector shall be construed as referring to such person as may for the time being be nominated by the Minister, after consultation with the Lord Chancellor and the Lord President of the Court of Session, to discharge the duty of selecting referees to act upon references under this section.

171 Provisions as to knowledge by officials, &c., of Welsh language.

Where the natural language of communication of the persons employed at a mine or quarry or of a substantial number of those persons is Welsh, then, in considering the qualifications of candidates for appointments required, by or by virtue of this Act, to be made in the case of that mine or quarry, regard shall be had to the possession of a knowledge of that language.

172

Textual Amendments

F2 Ss.172, 175, 177, 184(2)—(4), (6) repealed by S.I. 1974/2013, Sch. 1 Pt. I

Status: Point in time view as at 20/11/1993.

Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954, Part XV. (See end of Document for details)

173 Revocation and variation of orders and rules.

Any power conferred by this Act to make a . . . ^{F3} a rule 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 . . . ^{F3} or rule.

Textual Amendments

F3 Words omitted by virtue of [S.I. 1974/2013, Sch. 2 para. 15](#)

[^{F4}174 †Parliamentary control of orders, rules and regulations.

- (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 ^{M1}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.]

Textual Amendments

F4 S. 174 substituted by [S.I. 1974/2013, Sch. 2 para. 16](#)

Modifications etc. (not altering text)

C1 Unreliable marginal note

Marginal Citations

M1 [1974 c. 37.](#)

175 ^{F5}

Textual Amendments

F5 [Ss.172, 175, 177, 184\(2\)—\(4\), \(6\)](#) repealed by [S.I. 1974/2013, Sch. 1 Pt. I](#)

176 Provisions as to exemptions, &c.

- (1) Any power conferred by this Act or regulations [^{F6}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] on [^{F7}the Health and Safety Executive] or an inspector to grant, give or impose an exemption, consent, approval, authority, direction, requirement, prohibition or restriction or to make a determination shall be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to vary or revoke the exemption, consent, approval, authority, direction, requirement, prohibition, restriction or determination.
- (2) Any exemption, consent, approval or authority granted or given under this Act or regulations [^{F6}or such health and safety regulations] by [^{F7}the Health and Safety Executive] or an inspector may (subject to any express provision of this Act or

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regulations [^{F6}or such health and safety regulations)] be without limit of period or limited so as to expire on a specified date unless renewed, and may be absolute or conditional.

Textual Amendments

- F6** Words inserted by [S.I. 1974/2013](#), [Sch. 2 para. 17](#)
- F7** Words substituted by virtue of [S.I. 1974/2013](#), [Sch. 2 para. 3](#)

177 ^{F8}

Textual Amendments

- F8** [Ss.172, 175, 177, 184\(2\)](#)—(4), (6) repealed by [S.I. 1974/2013](#), [Sch. 1 Pt. I](#)

178 Expenses and receipts.

Any expenses incurred under or by virtue of this Act by the Minister shall be defrayed out of moneys provided by Parliament and any sums received under or by virtue of this Act by the Minister shall be paid into the Exchequer.

179 Application to the Crown.

This Act shall apply to mines and quarries belonging to Her Majesty in right of the Crown or to a Government department or held in trust for Her Majesty for the purposes of a Government department.

Modifications etc. (not altering text)

- C2** [S. 179](#) extended by [Mines Management Act 1971 \(c. 20\)](#), [s. 3\(1\)](#)

Interpretation

180 Meaning of “mine” and “quarry”.

[^{F9}(1) In this Act the expression “mine” means an excavation or system of excavations, including all such excavations to which a common system of ventilation is provided, 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.]

(2) In this Act the expression “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.

(3) For the purposes of this Act—

- (a) there shall be deemed to form part of a mine so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the shafts

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or outlets of the mine as is occupied together with the mine for the purpose of, or in connection with, the working of the mine, the treatment, preparation for sale, consumption or use, storage or removal from the mine of the minerals or products thereof gotten from the mine or the removal from the mine of the refuse thereof; and

- (b) there shall be deemed to form part of a quarry so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the quarry as is occupied together with the quarry for the purpose of, or in connection with, the working of the quarry, the treatment, preparation for sale, consumption or use, storage or removal from the quarry of the minerals or products thereof gotten from the quarry or the removal from the quarry of the refuse thereof:

Provided that there shall not, for the said purposes, be deemed to form part of a mine or quarry premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine or quarry or the preparation for sale of minerals gotten therefrom.

- (4) For the purposes of this Act premises for the time being used for depositing refuse from a single mine or quarry, being premises exclusively occupied by the owner of that mine or quarry, shall be deemed to form part of that mine or quarry, and premises for the time being used for depositing refuse from two or more mines or quarries, being premises occupied by the owner of one of those mines or quarries (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of those mines or quarries as [^{F10}the Health and Safety Executive] may direct.
- (5) For the purposes of this Act a railway line serving a single mine or quarry (not being a railway line falling within subsection (3) of this section or a railway line belonging to a railway company) shall be deemed to form part of that mine or quarry and a railway line jointly serving two or more mines or quarries (not being a railway line falling within subsection (3) of this section or a railway line belonging to a railway company) shall be deemed to form part of such one of them as [^{F10}the Health and Safety Executive] may direct.
- (6) For the purposes of this Act a conveyor or aerial ropeway provided for the removal from a mine or quarry of minerals gotten therefrom or refuse therefrom shall be deemed to form part of the mine or quarry.

Textual Amendments

F9 S. 180(1) substituted (1.10.1993) by S.I. 1993/1897, regs. 1, 41(2), Sch. 3 Pt. II.

F10 Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

181 Meaning of “owner”.

- (1) Subject to the provisions of this section, in this Act the expression “owner” means, in relation to a mine or quarry, the person for the time being entitled to work it.
- (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.

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- (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.
- (4) Where the business of a person who, by virtue of the foregoing provisions of this section is, for the purposes of this Act, 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 an order of a court of competent jurisdiction, 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) This section shall, in its application to Scotland, have effect as if, for subsection (3), there were substituted the following subsection:—
 - “(3) Where two or more persons are entitled to work a quarry independently, and one of them has granted the right so to do to the other or others, that one shall, to the exclusion of the other or others, be taken for the purposes of this Act to be the owner of the quarry.”

182 General interpretation provisions.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

.....^{F11}
“central rescue station” has the meaning assigned to it by section seventy-two of this Act;

“contravention” includes, in relation to—

- (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
- (c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by [^{F12}the Health and Safety Executive] or an inspector;
- [^{F13}(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]

a failure to comply with the provision, direction, prohibition, restriction, requirement or condition, and the expression “contravene” shall be construed accordingly:

“gas” includes fume or vapour;

“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;

“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;

[^{F14}“health and safety regulations” has the meaning assigned by section 15(1) of the ^{M2}Health and Safety at Work etc. Act 1974]

“inset” means, in relation to a shaft or outlet of a mine, a heading, chamber or other space driven or excavated from the shaft or outlet, being a heading, chamber or space to which access can only be had from the shaft or outlet and not being a heading, chamber or space the sole or main purpose of the driving or excavation of which is the getting of minerals or products of minerals;

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[^{F15c}“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;]

“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;

“minerals” includes stone, slate, clay, gravel, sand and other natural deposits except peat;

“the Minister” means [^{F16}the Secretary of State];

“notice” means a notice in writing;

“parent” means a parent [^{F17}of a young person or any person who is not a parent of his but who has parental responsibility for him (within the meaning of the Children Act 1989)], and includes, in relation to any young person, a person having direct benefit from his wages;

“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;

“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 [^{F18}or health and safety regulations];

“prescribed” has the meaning assigned to it by subsection (5) of section one hundred and forty-one of this Act;

“railway company” means any persons authorised by an enactment to construct, work or carry on a railway . . . ^{F19}, and for the purposes of this definition the expression “enactment” includes a provision of an order or scheme made under or confirmed by an Act;

“regulations”, “general regulations” and “special regulations” have the meanings respectively assigned to them by subsection (5) of section one hundred and forty-one of this Act;

“responsible person” means, in relation to a mine, the manager thereof and, in relation to a quarry, the owner thereof;

“road” does not include an unwalkable outlet;

“rope” includes chain;

“rope haulage apparatus” means apparatus for transporting loads in vehicles attached to ropes;

“safety-lamp mine” means a mine in no part of which below ground is the use of lamps or lights other than permitted lights lawful;

“safety-lamp part of a mine” means a part of a mine other than a safety-lamp mine, being a part below ground in which either the use of lamps or lights other than permitted lights is unlawful or safety-lamps are for the time being in use by way of temporary precaution;

“sanitary conveniences” includes urinals, water-closets, earth-closets, ash-pits, privies and any similar convenience;

“shaft” means a shaft the top of which is, or is intended to be, at the surface;

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“staple-pit” includes winze;

“statutory responsibilities” means responsibilities under this Act, orders made thereunder and regulations;

“support rules” has the meaning assigned to it by subsection (1) of section fifty-four of this Act;

“transport rules” has the meaning assigned to it by subsection (1) of section thirty-seven of this Act;

“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 who has attained the age of eighteen;

“young person” means a person who is over compulsory school age but has not attained the age of eighteen.

^{F20}(2)

(3) For the purposes of this Act—

[^{F21}(a) A mine shall be treated as being worked at any time when there are persons at work below ground or plant or equipment is in operation at the mine to maintain the safety of that mine or of any other mine or the operation of driving a shaft or outlet is being undertaken at the mine.]

(b) the working of a quarry shall be deemed to include the operation of removing overburden thereat;

(c) a ^{F22}. . . 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 ^{F22}. . . quarry or for the purpose of preventing the flow therefrom into an adjacent ^{F22}. . . 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 other enactment shall be construed as references to that enactment as amended, extended or applied by or under any subsequent enactment including, except where the context otherwise requires, this Act.

Textual Amendments

F11 Definition of “bodily injury” repealed by S.I. 1980/804, regs. 11, 12, Sch. 5 Pt. 1

F12 Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

F13 Paragraph (d) inserted by S.I. 1974/2013, Sch. 2 para. 18(a)

F14 Definition inserted by S.I. 1974/2013, Sch. 2 para. 18 (b)

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- F15** Definition substituted by S.I. 1974/2013, **Sch. 2 para. 18** (c)
- F16** Words substituted by virtue of S.I. 1957/48 (1957 I, p. 1439), 1969/1498, arts. 2(1), 5(6), and 1970/1537, arts. 2(2), 7(4)
- F17** Words in s. 182(1) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5), **Sch. 13 para. 13**; S.I. 1991/828, **art. 3(2)**
- F18** Definition amended by virtue of S.I. 1983/710, **reg. 2** and 1989/635, reg. 33, Sch. 2 Pt. II para. 1(b)
- F19** Words repealed by Transport Act 1962 (c. 46), **Sch. 12 Pt. II**
- F20** S. 182(2) repealed (1.10.1993) by S.I. 1993/1897, reg. 41(1), **Sch. 3 Pt. I**
- F21** S. 182(3)(a) substituted (1.10.1993) by S.I. 1993/1897, reg. 41(2), **Sch. 3 Pt. II**
- F22** Words in s. 182(3)(c) repealed (1.10.1993) by S.I. 1993/1897, regs. 1, 42, **Sch. 4**.

Marginal Citations

- M2** 1974 c. 37.

183 Application of Act to training mines.

- (1) For the purposes of this Act an excavation or system of excavations made for training purposes shall be deemed to be a mine, and the use for those purposes of any premises which are a mine as defined by subsection (1) of section one hundred and eighty of this Act or are, by virtue of this section, deemed to be a mine shall be deemed, for the purposes of this Act, to constitute the working of the mine; but the Minister may by order direct that this Act shall, in its application to any such premises as aforesaid which are used exclusively for training purposes, have effect subject to such exceptions, adaptations and modifications as may be specified in the order.
- (2) In this section the expression “training purposes” means the purposes of instructing or training below ground persons in, or in any work connected with, mining minerals.

Relationship of Factories Acts and this Act in case of certain premises

184 Relationship of Factories Acts and this Act in case of certain premises.

- (1) None of the provisions of the [^{F23M3}Factories Act 1961] shall apply to any premises forming part of a ^{F24} . . . quarry.
- (2) ^{F25}
^{F26}(5) References in subsection (1) . . . ^{F27} of this section to provisions of the ^{M4}Factories Act 1961, shall be construed as exclusive of references to section one hundred and twenty-seven (which applies other provisions of that Act to building operations and works of engineering construction) and to the other provisions of that Act in so far as, by virtue of that section, they are applicable to such operations or works; but the said section shall not apply—
^{F28}(a)
 (b) to any works of engineering construction undertaken at a mine (whether above or below ground) or at a quarry.]
- (6) ^{F25}
- (7) In this section . . . ^{F27} references to building operations and works of engineering construction shall be construed in like manner as if they were references contained in the [^{F23M4}Factories Act 1961].

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Textual Amendments

- F23 Words substituted by [Factories Act 1961 \(c. 34\), s. 174\(1\)](#)
- F24 Words in s. 184 repealed (1.10.1993) by S.I. 1993/1897, reg. 42, [Sch.4](#).
- F25 [Ss.172, 175, 177, 184\(2\)—\(4\), \(6\)](#) repealed by S.I. 1974/2013, [Sch. 1 Pt. I](#)
- F26 [S. 184\(5\)](#) substituted by [Factories Act 1961 \(c. 34\), s. 174\(1\)](#)
- F27 Words repealed by S.I. 1974/2013, [Sch. 1 Pt. I](#)
- F28 [S. 184\(5\)\(a\)](#) repealed (1.10.1993) by S.I. 1993/1897, reg. 42, [Sch. 4](#).

Marginal Citations

- M3 [1961 c. 34](#).
- M4 [1961 c. 34](#).

Repeals, Savings, Transitional Provisions, &c.

185 F29

Textual Amendments

- F29 [S. 185](#) repealed by [Wages Act 1986 \(c. 48, SIF 43:2\), s. 32\(2\), Sch. 5 Pt. III](#)

186 **Repeal of s. 21 of 16 & 17 Geo. 5. c. 28.**

Section twenty-one of the Mining Industry Act, 1926 (which enables provision to be made for the establishment of joint committees for coal mines) shall cease to have effect.

Modifications etc. (not altering text)

- C3 The text of s. 186, 188 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

^{F30}**187**

Textual Amendments

- F30 [S. 187](#) repealed (20.11.1993) by [Coal Industry Act 1992 \(c. 17\), s. 3\(3\), Sch.Pt. II; S.I. 1993/2514, art.2](#).

188 **Minor and consequential amendments of other enactments.**

The enactments specified in the Fourth Schedule to this Act shall have effect subject to the amendments respectively specified in relation thereto in that Schedule (being minor amendments and amendments consequential on the provisions of this Act).

Status: Point in time view as at 20/11/1993.

Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954, Part XV. (See end of Document for details)

Modifications etc. (not altering text)

- C4** The text of s. 186, 188 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

189 ^{F31}

Textual Amendments

- F31** S. 189 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

190 ^{F32}

Textual Amendments

- F32** S. 190, Schs. 1, 2 repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

191 General savings.

- (1) Nothing in this Act shall affect—
- (a) any special regulation made under an enactment repealed by this Act;
 - (b) any rule made by the Mining Qualifications Board constituted under the ^{M5}Coal Mines Act 1911;
 - (c) any order with respect to fees, notification of accidents or the manner in which persons are to be searched, being an order made under an enactment repealed by this Act or by the ^{M6}said Act of 1911;
 - (d) any rule made under section fifty of the ^{M7}said Act of 1911; or
 - (e) any certificate issued, exemption, consent, approval, permission or authority granted or any other thing done under an enactment repealed by this Act;
- but any such regulation, rule or order so made or any certificate, exemption, consent, approval, permission, authority or thing so issued, granted or done shall, if in force at the commencement of this Act and so far as it could have been made, issued, granted or done under this Act, have effect as if it had been so made, issued, granted or done.
- (2) Nothing in this Act shall affect any special rule established under an enactment repealed by this Act, but any such rule so established shall, if in force at the commencement of this Act and so far as it could, had it been a regulation, have been made under this Act, have effect as if it had been a regulation so made.
- (3) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment in this Act.
- (4) Any inquiry or formal investigation under section eleven or eighty-three of the ^{M8}Coal Mines Act 1911, which is uncompleted at the commencement of this Act may be carried on and completed in all respects as if this Act had not passed.

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- (5) 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 or by virtue of the corresponding enactment in this Act.
- (6) Any register kept under an enactment repealed by this Act shall be deemed part of the register to be kept under the corresponding enactment in this Act.
- (7) Nothing in this Act shall affect the definition of “mine” for the purposes of the ^{M9}Rating and Valuation (Apportionment) Act 1928.
- (8) The mention of particular matters in this section shall be without prejudice to the general application of [^{F33}sections 16(1) and 17(2)(a) of the ^{M10}Interpretation Act 1978] with regard to the effect of repeals.

Textual Amendments

F33 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 25(2)

Modifications etc. (not altering text)

C5 [S. 191\(7\)](#) repealed (E.W.) by [Rating and Valuation Act 1961 \(c. 45\)](#), [Sch. 5 Pt. I](#)

Marginal Citations

M5 [1911 c. 50](#).

M6 [1911 c. 50](#).

M7 [1911 c. 50](#).

M8 [1911 c. 50](#).

M9 [1928 c. 44](#).

M10 [1978 c. 30](#).

192 Saving for persons managing certain small mines at commencement of this Act.

A person who, immediately before the commencement of this Act, is, by virtue of subsection (3) of section two of the ^{M11}Coal Mines Act 1911, exercising and performing, in relation to a mine of coal, stratified ironstone, shale or fireclay then exempt from the provisions of that section, the powers and duties conferred and imposed by that Act on the manager of a mine, may be manager of that mine or another mine of coal, stratified ironstone, shale or fireclay at any time at which the number of persons employed below ground in the mine does not exceed thirty and no direction is in force with respect to the mine under paragraph (b) of subsection (2) of section four of this Act or under subsection (3) of that section, notwithstanding that he does not possess the qualifications required by this Act for appointment as manager thereof.

Marginal Citations

M11 [1911 c. 50](#).

193 Saving for common law rights of workmen, &c.

No provision of this Act, of any order made thereunder or of regulations shall be construed as derogating from any rule of law with respect to the duties owed by masters to their servants (including, in particular, but without prejudice to the generality of the

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foregoing words, the duty to provide a safe system of working), and section one of this Act shall not be construed as derogating from any obligation imposed by or by virtue of any other provision of this Act upon the owner of a mine or quarry.

194 Commencement.

This Act, except sections one hundred and seventy-two and one hundred and ninety thereof, shall come into operation on such day as the Minister may by order appoint, and those sections shall come into operation on the passing of this Act; and for the purposes of this Act and of the application thereto of [^{F34}section 13 of the ^{M12}Interpretation Act 1978] (which relates to the exercise of statutory powers between the passing and the commencement of an Act references to the commencement of this Act shall, notwithstanding the provisions of [^{F34}section 4 of the said Act of 1978] with respect to the construction of the expression “commencement”, be construed as references to the time at which this Act, except the said sections one hundred and seventy-two and one hundred and ninety, comes into operation.

Textual Amendments

F34 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

Modifications etc. (not altering text)

C6 [S. 194](#) power of appointment conferred by s. 194 fully exercised: 1.1.1957 appointed by [S.I. 1956/1530, art. 2](#)

Marginal Citations

M12 [1978 c. 30.](#)

195 Short title and extent.

- (1) This Act may be cited as the ^{M13}Mines and Quarries Act 1954.
- (2) This Act shall not extend to Northern Ireland.

Marginal Citations

M13 [1954. c. 70](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Mines and Quarries Act 1954, Part XV.