



# Mines and Quarries Act 1954

1954 CHAPTER 70 2 and 3 Eliz.2

## PART III

### SAFETY, HEALTH AND WELFARE (MINES)

#### *Provisions for securing safe Ingress and Egress*

#### **[<sup>F1</sup>22 Provision of shafts and outlets in coal, &c., mines.**

- (1) Subject to the provisions of this section, it shall not be lawful for any persons to be employed below ground in a mine of coal, stratified ironstone, shale or fireclay unless there are available, for affording to them alternative, and ready, means of ingress and egress, two shafts or outlets (whether belonging exclusively to that mine or not) which, except where they were sunk before the first day of January, eighteen hundred and sixty-five, are at no point separated from each other by less than [<sup>F2</sup>15 metres] or (where the sinking thereof began before the first day of January, eighteen hundred and eighty-eight) ten feet.
- (2) Where the employment of persons in an area consisting of the whole or any part of a mine below ground would, apart from the following provisions of this subsection be, by virtue of the foregoing subsection, unlawful in consequence of a shaft or outlet having, as a result of an accident or breakdown, become unavailable for affording to persons employed in that area ready means of ingress and egress, but the manager of the mine is satisfied with respect to that area or any part thereof that persons employed in that area or, as the case may be, that part thereof will not for the time being be exposed to undue risk by reason of that shaft or outlet being unavailable as aforesaid, then if he—
  - (a) posts in a conspicuous position at the mine a notice specifying the accident or breakdown and the said area and stating that he is satisfied as aforesaid with respect to that area or, as the case may be, that part thereof and the reason why he is so satisfied; and
  - (b) sends, by the quickest means available, to the inspector for the district and the person, if any, for the time being nominated under the provisions of [<sup>F3</sup>the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

*Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954, Section 22. (See end of Document for details)*

1985]relating to the notification of accidents to receive on behalf of the persons employed at the mine notices under the said provisions, a message to the like effect as the notice mentioned in the foregoing paragraph;

there shall be excepted from the operation of the foregoing subsection—

- (i) the employment in that area or, as the case may be, that part thereof, until the end of his period of work, of any person who was below ground in the mine at the time of the accident or breakdown;
- (ii) the employment in that area or, as the case may be, that part thereof, until the expiration of the period of twenty-four hours beginning with the time at which the accident or breakdown occurred, of any person in work necessary for securing the safety of the mine or the welfare of animals employed therein or rendering that shaft or outlet again available for the purpose for which it was available immediately before the accident or breakdown:

Provided that nothing in paragraph (i) or (ii) of this subsection shall authorise the employment of any person at any time after the receipt by the manager of the mine of notification from an inspector that, in his opinion, that person should be withdrawn from the area or part of the area in question.

(3) . . . <sup>F4</sup> an inspector, upon an application in that behalf made to him with respect to a mine, may, by notice served on the manager of the mine, exempt from the operation of subsection (1) of this section the employment of persons below ground in the mine or in such part of the mine below ground as may be specified in the notice:

Provided that no exemption shall be granted under this subsection by . . . <sup>F4</sup> an inspector unless . . . <sup>F4</sup> the inspector, . . . <sup>F4</sup>, is satisfied that no persons employed in the mine will be exposed to undue risk in consequence of the granting of the exemption.

(4) . . . . . <sup>F5</sup>

(5) In any claim against the owner or manager of a mine for damages, being a claim arising out of an accident caused by a decision of the manager made for the purposes of subsection (2) of this section, the defendant shall, unless he proves that the manager was not negligent in making that decision, be liable in all respects as if the plaintiff had proved that the manager was negligent in making that decision.

(6) For the purposes of this section a shaft or unwalkable outlet at a mine provided with apparatus for carrying persons through the shaft or outlet shall be deemed not to be available to a person employed below ground in the mine for affording to him means of ingress and egress if that apparatus is not available for use by him.

(7) In the application of this section to Scotland, for references to a plaintiff and a defendant there shall respectively be substituted references to a pursuer and a defender.

(8) Nothing in this section shall apply to the employment of persons in a shaft or outlet or in the insets of a shaft or outlet.]

#### Textual Amendments

- F1** Ss. 22–25, 33–35 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, **regs. 1(1), 12(1)(a)**
- F2** Words substituted by S.I. 1976/2063, **reg. 3(1), Sch. 1 Pt. II** except as to shafts sunk, or as the case may be, lengths of road made before 1.2.1977
- F3** Words substituted by virtue of S.I. 1985/2023, **reg. 13(1), Sch. 7 Pt. III para. 1(a)**
- F4** Words omitted by virtue of S.I. 1974/2013, **Sch. 2 para. 4**

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**F5** Ss. 4(4), 12(2), 21, 22(4), 26 repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

**Changes to legislation:**

There are currently no known outstanding effects for the Mines and Quarries Act 1954, Section 22.