



# Mining Industry Act 1926

## 1926 CHAPTER 28

### PART VI

#### MISCELLANEOUS AND GENERAL

#### **20 Power of coal mining companies to establish profit sharing schemes**

It shall be lawful for any company, being the owner of an undertaking consisting of or comprising coal mines, notwithstanding anything in the memorandum or articles of association of the company, to establish and carry out a scheme for securing to persons employed by the company a share in the profits of the company.

#### **21 Establishment of joint committees for coal mines**

- (1) If at any time after the expiration of two years from the commencement of this Act the Board of Trade are satisfied upon representation made to them as respects any coal mine (not being a small mine within the meaning of the Coal Mines Act, 1911) that no adequate opportunity has been afforded by the owner, agent and manager of the mine for the establishment of machinery for mutual discussion between representatives of the management of the mine and representatives of workers employed in or about the mine, of matters of common interest in regard to the working of the mine, the Board may by order direct that regulations made under this section shall apply to that mine.
- (2) The Board of Trade may make regulations providing for the constitution of a joint committee for any mine to which the regulations apply, consisting of representatives of the owners and management of the mine and of the workers employed in or about the mine, and having such functions as may be prescribed by the regulations:

Provided that—

- (a) such regulations shall not apply to any mine unless and until they have been applied thereto by an order made under the foregoing provisions of this section ;
- (b) no powers in relation to the control or management of a mine shall be included among the functions of any such joint committee ; and

---

*Status: This is the original version (as it was originally enacted).*

---

- (c) the regulations shall provide for the selection of the representatives of workers employed in or about a mine by ballot of those workers from amongst their own number.
- (3) Regulations made under this section shall provide for the procedure and meetings of joint committees and for enabling joint committees to obtain such information and to cause such inspections to be made as may be necessary for the purpose of enabling them to exercise any of their functions under the regulations; and any persons appointed in accordance with the regulations to make such inspections shall have all such facilities for the purpose of making the inspections as persons appointed to make inspections under section sixteen of the Coal Mines Act, 1911, and that section shall apply accordingly.
- (4) Subsections (2), (3), (4) and (5) of section eighty-six, and section one hundred and seventeen of the Coal Mines Act, 1911, and Part I. of the Second Schedule to that Act (which relate to orders making general regulations under that Act), shall apply with the necessary modifications to regulations under this section, and for the purposes of the said Part I. of the Second Schedule to that Act as so applied, the expression a "general objection" means an objection made by or on behalf of any association or body which satisfies the Board of Trade that it represents a substantial proportion of owners of mines or of persons employed in or about mines in Great Britain.
- (5) An order under this section may be made so as to be in force either permanently or for a limited period, and may be amended or revoked by any subsequent order.
- (6) In this section, except where the context otherwise requires, the expression "management" has the same meaning as in the Mining Industry Act, 1920.

## **22 Power to vary 1 & 2 Geo.5 c.50 ss.9 and 10**

- (1) The Board of Trade may, after consultation with the Board for Mining Examinations, by order vary the provisions of sections nine and ten of the Coal Mines Act, 1911, relating to the examinations and qualifications of applicants for certificates of competency under that Act, and the grant of such certificates, in such manner as may appear to the Board of Trade to be expedient for the purpose of adapting them to the needs of the industry and the progress of education.
- (2) The provisions of subsections (3) to (5) of section eighty-six, and section one hundred and seventeen of the Coal Mines Act, 1911, and of Part I. of the Second Schedule to that Act, shall apply, with the necessary modifications with respect to orders made under this section, in like manner as those provisions apply to orders made under the said section eighty-six.

## **23 Facilities to be given to Department of Scientific and Industrial Research**

- (1) Before any person sinks, for the purpose of searching for or getting any minerals, a shaft or borehole intended to reach a depth of more than one hundred feet below the surface, he shall give to the Committee of the Privy Council for Scientific and Industrial Research (hereinafter referred to as "the Committee") notice in Writing of his intention to do so, and any person who for such a purpose sinks any such shaft or borehole shall keep a journal thereof, and shall retain for a period of not less than six months such specimens of the strata passed through as may have been obtained in the course of the sinking thereof, either as cores or fragments, and shall allow the Committee, or any officer appointed by them, to have free access at all reasonable

---

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

---

times to any such shaft, borehole or core, to inspect and take copies of the journals of such shafts or boreholes, to inspect all specimens so obtained and kept, and to take representative specimens of any such cores.

- (2) If the person sinking any such shaft or borehole as aforesaid gives notice in writing to the Committee requiring them to treat as confidential any copies of journals or specimens so taken by the Committee or by any officer appointed by them, the Committee shall not allow those copies or specimens to be published or shown to any person not being an officer of the Department of Scientific and Industrial Research, except with the consent of the person sinking such shaft or borehole :

Provided that, if at any time the Committee give notice to any person from whom such consent is required that, in their opinion, his consent is unreasonably withheld, then that person may, within three months after such notice is given, appeal to the Railway and Canal Commission, but if at the expiration of that period no such appeal has been made, or if after hearing the appeal the Commission do not make an order restraining them from doing so, the Committee may proceed as if such consent had been given.

- (3) The owner, agent, or manager of every mine shall allow the Committee or any officer appointed by them to have free access at all reasonable times to all underground workings, and shall supply to the Committee or to any such officer as aforesaid such information and such specimens of seams or strata sunk through or opened out at the mine as may be reasonably required by the Committee.
- (4) If any person sinking any shaft or borehole, or the owner, agent or manager of any mine fails to comply with any obligation imposed on him by the foregoing provisions of this section, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding fifty pounds.
- (5) Any officer appointed by the Committee shall have the same rights as to the production and examination of plans and sections kept in pursuance of sections twenty or twenty-one of the Coal Mines Act, 1911, or sections fourteen or nineteen of the Metalliferous Mines Regulation Act, 1872, as are by those Acts conferred on inspectors, and those Acts shall apply accordingly.

## **24 Provisions as to Railway and Canal Commission and as to security for costs**

- (1) The jurisdiction of the Railway and Canal Commission under this Act shall be deemed to be part of their jurisdiction under and for the purposes of the Railway and Canal Traffic Act, 1888, and section ten of the Mines (Working Facilities and Support) Act, 1923, as amended by any subsequent enactment, shall apply in respect of proceedings under this Act in like manner as it applies to the determination of questions relating to applications under that Act:

Provided that—

- (a) the power of holding inquiries under the said section ten shall extend to the holding of inquiries other than local inquiries ; and
- (b) the Commission may refuse to allow the public to be present at any proceedings of the Commission or inquiry under this Act while matters are being dealt with which, in the opinion of the Commission, are of a confidential character.
- (2) The Lord Chancellor, or in Scotland the Lord President of the Court of Session, may attach to the Commission for the purposes of Part I. of this Act, any officers of the Supreme Court or the Court of Session, and such officers shall perform such duties as

---

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

---

may be assigned to them by the Commission with the consent of the Lord Chancellor or the Lord President of the Court of Session.

- (3) If it is proved to the satisfaction of the Railway and Canal Commission that there is good cause for requiring any person who has submitted a scheme under Part I. of this Act, or who has made an application for the grant of a right under Part II. of this Act, to give security for any costs which may be ordered to be paid by him to any person affected by the scheme or application, the Commission shall have power to make an order that all proceedings upon the scheme or application, as the case may be, shall be stayed until such security for the costs of that person as may be required by the order has been given to the satisfaction of the Commission, and may order the payment into court of the whole or any part of any sum so required to be paid by way of such security. The provisions of subsections (2) and (3) of section one of the Mines (Working Facilities and Support) Act, 1925, shall apply to any money required to be paid into court under this subsection but, subject to those provisions, the rules regulating the procedure of the Commission may provide as to the manner in which any such security is to be given and as to the return of any such security.

## **25 Definition of securities**

For the purposes of Part I. of this Act the expression "securities" includes stocks and shares, and the expression " debentures " includes debenture stock.

## **26 Short title and extent**

- (1) This Act may be cited as the Mining Industry Act, 1926.  
(2) This Act shall not extend to Northern Ireland.