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STATUTORY INSTRUMENTS

1974 No. 2013

HEALTH AND SAFETY

MINES AND QUARRIES

The Mines and Quarries Acts 1954 To 1971 (Repeals and Modifications) Regulations 1974

Made - - - -	*3rd December 1974*
Laid before Parliament	*11th December 1974*
Coming into Operation	*1st January 1975*

The Secretary of State, in exercise of the powers conferred on him by sections 15(1) and (3)(a) and 82(3)(a) of the Health and Safety at Work etc. Act 1974 ("the 1974 Act") and of all other powers enabling him in that behalf, and after consultation with the Health and Safety Commission and such other bodies as appeared to him to be appropriate, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Mines and Quarries Acts 1954 to 1971 (Repeals and Modifications) Regulations 1974 and shall come into operation on 1st January 1975.

(2) The Interpretation Act 1889 shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Repeals and modifications—The Mines and Quarries Acts 1954 to 1971

2.—(1) In the Mines and Quarries Act 1954 ("the 1954 Act")—

(a) the provisions mentioned in column 1 of Part I of Schedule 1 to these Regulations are hereby repealed to the extent specified in column 2 of that Part; and

(b) the provisions mentioned in Part I of Schedule 2 to these Regulations shall have effect subject to the modifications specified in that Part.

(2) In the Mines and Quarries (Tips) Act 1969 ("the 1969 Act")—

(a) the provisions mentioned in column 1 of Part II of Schedule 1 to these Regulations are hereby repealed to the extent specified in column 2 of that Part; and

(b) the provisions mentioned in Part II of Schedule 2 to these Regulations shall have effect subject to the modifications specified in that Part.

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(3) In the Mines Management Act 1971 ("the 1971 Act")—

(a) the provisions mentioned in column 1 of Part III of Schedule 1 to these Regulations are hereby repealed to the extent specified in column 2 of that Part; and

(b) the provisions mentioned in Part III of Schedule 2 to these Regulations shall have effect subject to the modifications specified in that Part.

Revocations and Modifications—instruments under the 1954 to 1971 Acts

3. The Mines and Quarries (Draft Regulations) Rules 1956(**1**) are hereby revoked.

4.—(1) In Regulation 5 of the Coal and Other Mines (Precautions against Inrushes) Regulations 1956(**2**), the words from "except" to the end of the Regulation are hereby revoked.

(2) Regulation 41(2) of the Miscellaneous Mines (General) Regulations 1956(**3**) shall have effect as if the reference to the Secretary of State were a reference to an inspector.

(3) Regulation 5(8) of the Mines (Medical Examinations) Regulations 1964(**4**) shall have effect as if the reference to the Secretary of State were a reference to the authority responsible for maintaining the employment medical advisory service.

5. Any reference in a provision of a statutory instrument made under the 1954 Act or under the 1954 Act and the 1969 Act, not being a provision mentioned in Regulation 4(2) or (3) of these Regulations, to the Secretary of State shall, except where the context otherwise requires, have effect as if it were a reference to the Health and Safety Executive.

References to Inspectors

6. References in any provision of an enactment, instrument or other document to any of the following, that is to say:—

(a) an inspector appointed under the 1954 Act;

(b) the inspector for the district; and

(c) the chief inspector of mines,

shall, except where the context otherwise requires, or where the reference is otherwise expressly amended, be construed as references respectively to—

(a) an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act; and

(b) as respects a mine or quarry, the inspector so appointed for carrying into effect the provisions of the 1954 Act, the 1969 Act and the 1971 Act in the district in which the mine or quarry is situated;

(c) the inspector so appointed who is authorised to act for the purposes of the provision in question.

Supplemental

7.—(1) These Regulations shall not affect the validity of anything done under any provision of an enactment or instrument repealed or modified by these Regulations before the coming into operation of these Regulations; and anything which, at the coming into operation of these Regulations, is

(**1**) (1956 I, p. 1456).
(**2**) (1956 I, p. 1393).
(**3**) (1956 I, p. 1236).
(**4**) (1964 I, p. 387).

in process of being done for the purposes of that provision (including in particular any legal proceedings) by or in relation to—

(a) an inspector appointed under the 1954 Act;

(b) the inspector for the district;

(c) the chief inspector of mines; or

(d) the Secretary of State,

may so far as may be necessary for the purposes, or in consequence of, the provisions of these Regulations, be continued, respectively, by or in relation to—

(a) an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act;

(b) as respects a mine or quarry, the inspector so appointed for carrying into effect the provisions of the 1954 Act, the 1969 Act and the 1971 Act in the district in which the mine or quarry is situated;

(c) the inspector so appointed who is authorised to act for the purpose of the provision in question;

(d) the Health and Safety Executive.

(2) Without prejudice to paragraph (1) of this regulation, any certificate, exemption, consent, approval, authority, direction, requirement, prohibition or restriction granted, given or imposed for the purposes of any provision modified by these Regulations and in force at the coming into operation of these Regulations shall continue in force as if granted, given or imposed in accordance with that provision as so modified.

(3) Except as provided in regulation 3 of these Regulations, regulations, rules and orders made or having effect under any provision repealed by these Regulations and in force immediately before the coming into operation of these Regulations shall continue in force notwithstanding the repeal of that provision.

(4) Where any of the provisions repealed or modified by these Regulations prescribes a penalty for an offence of any kind, that penalty shall, notwithstanding these Regulations, continue to apply to offences of that kind committed before 1st January 1975.

Eric Varley
Secretary of State for Energy

Michael Foot
Secretary of State for Employment

3rd December 1974

SCHEDULE 1 Regulation 2(1)(a), (2)(a), and (3)(a)

PART I

Repeals of the 1954 Act

Provision of the 1954 Act	Extent of Repeal
Section 4.	Subsection (4).
Section 12.	Subsection (2).
Section 21.	The whole section.
Section 22.	Subsection (4).
Section 23.	In subsection (2), paragraph (a).
Section 26.	The whole section.
Section 29.	The whole section.
Section 31.	Subsection (3).
Section 32.	The whole section.
Section 35.	In subsection (1), paragraph (a).
Section 38.	The whole section.
Section 39.	In subsection (1), paragraph (i), the words from “provision may be made” to “regulations apply, and” .
Section 42.	In subsection (4), the words “subject to any exceptions for which provision may be made by regulations”, and the words from “and regulations may provide” to the end of the subsection.
Section 45.	In subsection (1), the words from “and provision may be made” to the end of the subsection; subsection (2).
Section 47.	The whole section.
Section 49.	Subsection (3).
Section 50.	The whole section.
Section 51.	In subsection (1), the words “subject to any exceptions for which provisions may be made by regulations”.
Section 55.	In subsection (2), the words from “and regulations may provide” to the end of the subsection.
Section 60	Subsection (2) and, in subsection (3) , the words “or of regulations having effect by virtue of,” and the words from “and regulations” to the end of the subsection.
Section 63.	The whole section.
Section 68.	Subsection (1).
Section 69.	Subsections (1) and (2).
Section 70.	Subsections (2) and (4).

Provision of the 1954 Act	Extent of Repeal
Section 71.	The whole section.
Section 72.	The whole section except in so far as it assigns a meaning to "central rescue station".
Section 74.	Subsection (3).
Section 81.	Subsection (2).
Section 84.	Subsection (2).
Section 91.	Subsection (2).
Section 92.	The whole section.
Section 95/.	In subsection (1), the words from "and provision may be made" to the end of the subsection.
Section 96.	The whole section.
Section 104.	The whole section.
Section 106.	The whole section.
Section 108.	In subsection (2), paragraph (a).
Section 112.	Subsection (3).
Section 114.	The whole section.
Section 115.	The words "ninety-two" and "ninety-six".
Section 118 and 119.	The whole section in each case.
Section 121 and 122.	The whole section in each case.
Section 124.	In subsection (2), the words from the beginning of the subsection to "mines of any class", and the words "of that class".
Section 129.	The whole section.
Section 138.	The whole section.
Section 141.	Subsections (1) to (4); in subsection (5), the words from "in the provisions" to "repealed by this Act" .
Section 142.	The whole section.
Section 144 and 145.	The whole section in each case.
Section 155.	The whole section except in respect of a contravention of a provision of section 151(1).
Section 161.	The whole section.
Section 163.	Subsection (1) except in respect of a contravention of a provision of section 151(1); subsections (2) to (6).
Section 164.	The whole section except in respect of a contravention of a provision of section 151(1).
Section 172.	The whole section.
Section 175.	The whole section.

Provision of the 1954 Act	Extent of Repeal
Section 177.	The whole section.
Section 184.	Subsections (2) to (4) and (6); in subsection (5), the words "to (4)"; in subsection (7), the words "the expression `the Ministers" means the Minister and Minister of Labour and National Service and".
Section 190.	The whole section.
Schedule 1.	The whole schedule.
Schedule 2.	The whole schedule.

PART II

Repeals of the 1969 Act

Provision of the 1969 Act	Extent of Repeal
Section 1.	Subsection (2).
Sections 8 and 9.	The whole section in each case.

PART III

Repeals of the 1971 Act

Provision of the 1971 Act	Extent of Repeal
Section 1.	In subsection (3), the words "155 and 164" and the words "together with section 9 of the Mines and Quarries (Tips) Act 1969".
Section 3.	In subsection (1), paragraphs (a), (b) and (c).

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;

(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

(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 occurences)".

EXPLANATORY NOTE

These Regulations contain repeals and modifications of the Mines and Quarries Acts 1954 to 1971 and certain instruments thereunder. They are made in consequence of the establishment on 1st January 1975 of the Health and Safety Executive and the coming into operation on that date of provisions of the Health and Safety at Work etc. Act 1974 which supersede or affect provisions of the 1954 to 1971 Acts and instruments thereunder.

The Regulations therefore—

(*a*)transfer certain powers under the 1954 to 1971 Acts connected with the enforcement of those Acts from the Secretary of State to the Health and Safety Executive or, in the case of powers relating to the Mining Qualifications Board, to the Health and Safety Commission;

(*b*)transfer the functions of inspectors appointed under the 1954 Act to inspectors appointed by the Health and Safety Executive under the 1974 Act;

(*c*)apply, with certain exceptions, to offences under the 1954 to 1971 Acts committed after 1st January 1975, the penalties prescribed in the 1974 Act;

(*d*)repeal or modify powers and provisions which are superseded or affected by powers and provisions contained in the 1974 Act, including in particular—

(i)powers to make regulations and other instruments;

(ii)powers of inspectors;

(iii)provisions relating to investigations and inquiries;

(iv)provisions relating to certain offences, penalties and legal proceedings; and

(*e*)apply certain provisions of the 1954 to 1971 Acts to health and safety regulations under the 1974 Act relating to mines and quarries.