

ELIZABETH II



1971 CHAPTER 20

An Act to amend the law as to the management and control of mines by making provision with respect to the appointment of persons to assist the manager of a mine in the discharge of his statutory responsibilities, and with respect to under-managers, and for purposes connected therewith. [8th April 1971]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The owner of a mine of any such class or description as may be prescribed may appoint, in addition to the manager and any under-manager, one or more persons to assist the manager in the management and control of the mine by carrying out such duties as may be assigned to them by the manager; and in determining what officials and others require to be appointed by the manager under section 13 of the Mines and Quarries Act 1954 account shall be taken of activities undertaken in person by persons appointed under this subsection as if those activities were undertaken in person by the manager. Managers' assistants. 1954 c. 70.

(2) Subject to the provisions of this section, a person appointed by the owner of a mine under subsection (1) above may, by written instructions given to him by the manager, be given (in relation either to the whole mine or to any specified part of it) such statutory responsibilities of the manager as may be specified in the instructions, and for the discharge of those responsibilities shall, subject to anything to the contrary in the instructions, have the same authority over other persons as the manager has; and any such instructions may be varied or cancelled by further written instructions so given, but not otherwise.

1954 c. 70.

(3) In section 3(2) and (3) of the Mines and Quarries Act 1954 (which relate to the rights of a mine manager with respect to instructions given by or on behalf of the owner) any reference to an under-manager shall include a manager's assistant; and sections 152, 155 and 164 of that Act, together with section 9 of the Mines and Quarries (Tips) Act 1969 (which relate to the liability of the manager of a mine and others for contraventions of the Mines and Quarries Acts 1954 and 1969 and of regulations etc.) shall apply to a manager's assistant at a mine as they apply to the manager.

1969 c. 10.

In this subsection "manager's assistant" means a person having written instructions under subsection (2) above, but the references to a manager's assistant do not apply to any such person in relation to a matter or to a part of the mine to which those instructions do not extend.

(4) There shall be excepted from the statutory responsibilities that may be given to a person by instructions under subsection (2) above—

- (a) responsibility for the making of any appointment; and
- (b) responsibility for the giving of any notice under or by virtue of sections 116 to 118 of the Mines and Quarries Act 1954 (notification of accidents, dangerous occurrences and diseases); and
- (c) responsibility for the making of transport rules or support rules, or of tipping rules within the meaning of the Mines and Quarries (Tips) Act 1969; and
- (d) such other responsibilities as may be prescribed.

(5) Regulations may also provide that a person shall not be capable of being given, or having, by virtue of instructions under subsection (2) above, any statutory responsibilities specified in the regulations, unless he has such qualifications or satisfies such other conditions as may be prescribed; and where provision is so made by regulations, and a mine or any part thereof is worked, or any operations in a mine are carried on, by a contractor, then neither the contractor nor any person employed by him shall be capable of being given, or having, those statutory responsibilities, notwithstanding that he has the prescribed qualifications or satisfies the prescribed conditions.

(6) If any person, knowing that under subsection (5) above he is not capable of having a statutory responsibility of the manager, acts in the discharge of that responsibility as having been given to him by instructions under subsection (2), he shall be guilty of an offence.

(7) Where the manager of a mine gives any instructions under subsection (2) above, he shall forthwith send to the inspector for the district a copy of the instructions and, if they give any person

any statutory responsibility or additional statutory responsibility, a notice giving such particulars with respect to his qualifications as may be specified by the Secretary of State; and if he fails so to do he shall be guilty of an offence.

2.—(1) If at a mine to which this section applies—

(a) an under-manager has written instructions from the manager specifying the times when the under-manager is required to be on duty at the mine; and

Under-managers.

(b) while those instructions are in force there is any contravention in relation to which section 152(1) of the Mines and Quarries Act 1954 applies;

1954 c. 70.

then in any proceedings which by virtue of section 152(1) are taken in respect of the contravention against the under-manager as such, it shall be a defence for him to prove—

(i) that the contravention did not take place at a time when he was required by those instructions to be, or was, on duty at the mine as under-manager; and

(ii) that no act or omission of his caused or contributed to the contravention.

(2) Any instructions given to an under-manager for purposes of this section may be varied or cancelled by further written instructions given to him by the manager, but not otherwise.

(3) Where instructions are given for purposes of this section specifying times when an under-manager is required to be on duty at a mine, the manager of the mine shall preserve a copy of the instructions for three years after they cease to be operative; and if he fails to do so, he shall be guilty of an offence.

(4) This section shall apply to mines of any such class or description as may be prescribed, other than a mine the working whereof is unlawful unless there is at least one under-manager.

3.—(1) In this Act the expression “mine” and other expressions to which a meaning is assigned by the Mines and Quarries Act 1954 for purposes of that Act shall be construed as if contained in that Act, and in the following provisions of that Act references to that Act shall extend also to this Act, namely,—

Interpretation etc.

(a) section 141(1) to (3) (power to make regulations);

(b) sections 144 and 145 (inspectors);

(c) section 175 (service of notices); and

(d) section 179 (application to the Crown).

(2) Any provision of the Mines and Quarries Act 1954 which relates generally to offences under that Act shall have effect in relation to offences under section 1(6) or (7) or section 2(3) of this Act as if those subsections were contained in that Act.

1954 c. 70.

(3) Section 135 of the Mines and Quarries Act 1954 (which requires that copies of that Act and of other instruments shall be provided at a mine or quarry) shall, in its application to a mine to which section 1 or 2 of this Act applies, have effect as if any reference in the section to that Act included a reference to this Act.

Citation
and extent.

4.—(1) This Act may be cited as the Mines Management Act 1971, and the Mines and Quarries Acts 1954 and 1969 and this Act may be cited together as the Mines and Quarries Acts 1954 to 1971.

(2) This Act does not extend to Northern Ireland.

PRINTED IN ENGLAND BY PAUL FREEMAN
Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament.
Reprinted in the Standard Parliamentary Page Size.

1ST IMPRESSION APRIL 1971
2ND IMPRESSION MARCH 1989
£0.90 NET.