



Mines Act (Northern Ireland) 1969

1969 CHAPTER 6

PART XIII

MISCELLANEOUS AND GENERAL

INTERPRETATION

156 Meaning of “mine”.

- (1) In this Act the expression “mine” means an excavation or system of excavations 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) For the purposes of this Act there shall, subject to subsection (3) and section 160(1), 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 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.
- (3) For the purposes of this Act there shall not be deemed to form part of a mine premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine 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, being premises exclusively occupied by the owner of that mine, shall be deemed to form part of that mine and premises for the time being used for depositing refuse from two or more mines, being premises occupied by the owner of one of those mines (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 as^[F1] the Executive] may direct.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

- (5) For the purposes of this Act a railway line serving a single mine (not being a railway line falling within subsection (2) or a railway line belonging to a railway company) shall be deemed to form part of that mine and a railway line jointly serving two or more mines (not being a railway line falling within subsection (2) or a railway line belonging to a railway company) shall be deemed to form part of such one of them as^{F1} the Executive] may direct.
- (6) For the purposes of this Act a conveyor or aerial ropeway provided for the removal from a mine of minerals gotten therefrom or refuse therefrom shall be deemed to form part of the mine.

F1 SR 1999/150

157 Meaning of “owner”.

- (1) Subject to the provisions of this section, in this Act the expression “owner” means, in relation to a mine, the person for the time being entitled to work it.
- (2) 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 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.

158 General interpretation provisions.

- (1) In this Act—

Definition rep. by SR 1981/339

^{F2} “central rescue station” means a station providing facilities common to a number of mines for the conduct of fire-fighting and rescue operations;]

“contravention” includes, in relation to—

- (a) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by^{F3} the Executive] or an inspector; or
- (b) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by^{F3} the Executive] or by an inspector exercising any function conferred on him under section 120(3); ^{F4} or
- (c) a prohibition or requirement imposed by or under health and safety regulations which expressly apply to all mines, any class of mine or a particular mine;]

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

^{F3}“the Department” means the Department of Economic Development]

“doctor” means a fully registered person within the meaning of^{F5} section 55 of the Medical Act 1983];

^{F3}“the Executive” means the Health and Safety Executive for Northern Ireland]

“gas” includes fume or vapour;

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“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;

[^{F4} “health and safety regulations” has the meaning assigned to it by Article 17(1) of the Health and Safety at Work (Northern Ireland) Order 1978 ;]

“inset” means, in relation to 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;

[^{F2} “inspector” means an inspector appointed by^{F3} the Executive] under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978 for carrying into effect the provisions of the Act of 1969;]

“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;

Definition rep. by SR 1999/150

“notice” means a notice in writing;

“parent” means a parent^{F6} 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 (Northern Ireland) Order 1995)], and includes, in relation to any young person, a person having direct benefit from his wages;

“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^{F7} or health and safety regulations];

“prescribed” has the meaning assigned to it by section 120(5);

“railway company” means any person working a railway that is used for the purposes of public traffic, whether passenger, goods or other traffic;

“regulations”, “general regulations” and “special regulations” have, subject to subsection (5) of section 120 the meanings respectively assigned to them by that subsection;

“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;

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“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;

“staple-pit” means a shaft connecting two or more levels of underground working and not connecting any such level directly to the surface, and includes a winze;

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

“support rules” has the meaning assigned to it by section 54(1);

“transport rules” has the meaning assigned to it by section 37(1);

“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;

“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 years;

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

- (2) For the purposes of this Act mine workings having a common system of ventilation, or any part of a system of ventilation in common, shall be deemed to form part of the same mine.
- (3) For the purposes of this Act—
- (a) the working of a mine shall be deemed to include the operation of driving a shaft or outlet therefor;
 - (b) a mine shall be deemed to be worked notwithstanding that the only operations carried on thereat are operations carried on with a view to abandoning the mine or for the purpose of removing, or of preventing the flow therefrom 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.

F2	SR 1980/333
F3	SR 1999/150
F4	SR 1980/333
F5	1983 c. 54
F6	1995 NI 2
F7	SR 1991/13

159 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 section 156(1) or are, by virtue of this section, deemed

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to be a mine shall be deemed, for the purposes of this Act, to constitute the working of the mine; but the Ministry 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.

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