



# Mines and Quarries Act 1954

## 1954 CHAPTER 70

### PART XIII

#### FENCING OF ABANDONED AND DISUSED MINES AND OF QUARRIES

#### **151 Fencing of abandoned and disused mines and of quarries**

- (1) It shall be the duty of the owner of every abandoned mine and of every mine which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months to secure that the surface entrance to every shaft or outlet thereof is provided with an efficient enclosure, barrier, plug or other device so designed and constructed as to prevent any person from accidentally falling down the shaft or from accidentally entering the outlet and that every device so provided is properly maintained:

Provided that this subsection shall not apply to mines which have not been worked for the purpose of getting minerals or products thereof since the ninth day of August, eighteen hundred and seventy-two, being mines other than of coal, stratified ironstone, shale or fireclay.

- (2) For the purposes of Part III of the Public Health Act, 1936, each of the following shall be deemed to be a statutory nuisance that is to say:—
- (a) a shaft or outlet of an abandoned mine (other than a mine to which the proviso to the foregoing subsection applies) or of a mine (other than as aforesaid) which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months, being a shaft or outlet the surface entrance to which is not provided with a properly maintained device such as is mentioned in that subsection ;
  - (b) a shaft or outlet of a mine to which the proviso to the foregoing subsection applies, being a shaft or outlet with respect to which the following conditions are satisfied, namely,—
    - (i) that its surface entrance is not provided with a properly maintained device such as is mentioned in that subsection; and

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*Status: This is the original version (as it was originally enacted).*

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- (ii) that, by reason of its accessibility from a highway or a place of public resort, it constitutes a danger to members of the public; and
  - (c) a quarry (whether in course of being worked or not) which—
    - (i) is not provided with an efficient and properly maintained barrier so designed and constructed as to prevent any person from accidentally falling into the quarry; and
    - (ii) by reason of its accessibility from a highway or a place of public resort constitutes a danger to members of the public.
- (3) Any expenses incurred, by reason of the operation of Part III of the Public Health Act, 1936, by a person other than the owner (as defined for the purposes of this Act) of a mine or quarry for the purpose of abating, or preventing the recurrence of, a nuisance under the last foregoing subsection or in reimbursing a local authority in respect of the abatement, or prevention of the recurrence, of such a nuisance shall, subject to any agreement to the contrary, be recoverable by that person from the owner (as so defined) of the mine or quarry.
- (4) In the application of this section to the administrative county of London, for references to Part III of the Public Health Act, 1936, and to a statutory nuisance there shall be respectively substituted references to section two hundred and eighty-two of, and the Fifth Schedule to, the Public Health (London) Act, 1936, and to a nuisance which may be dealt with summarily under that Act.
- (5) In the application of this section to Scotland, for references to Part III of the Public Health Act, 1936, to a statutory nuisance and to the abatement thereof, there shall be respectively substituted references to Part II of the Public Health (Scotland) Act, 1897, to such a nuisance as is mentioned in paragraph (1) of section sixteen of that Act and to the removal thereof.