

## 1980 No. 333

**HEALTH AND SAFETY  
MINES AND QUARRIES**

**Mines and Quarries (Repeals and Modifications) Regulations  
(Northern Ireland) 1980**

*Made* . . . . . 2nd October 1980

*Coming into operation* . . . . . 1st December 1980

The Department(a) of Commerce, in exercise of the powers conferred on it by Articles 17(1) and (3)(a) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(b) and of every other power enabling it in that behalf, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Mines and Quarries (Repeals and Modifications) Regulations (Northern Ireland) 1980 and shall come into operation on 1st December 1980.

(2) In these regulations—

“the Order of 1978” means the Health and Safety at Work (Northern Ireland) Order 1978;

“the Act of 1927” means the Quarries Act (Northern Ireland) 1927(c);

“the Act of 1969” means the Mines Act (Northern Ireland) 1969(d).

*Repeals and modifications – Acts*

2.—(1) The provisions of the Act of 1927 and the Act of 1969 specified in Schedule 1 are hereby repealed to the extent specified in that Schedule.

(2) The provisions of the Act of 1969 specified in Schedule 3 shall have effect subject to the modifications specified in that Schedule.

*Revocations – Instruments*

3. The provisions of the instruments specified in Schedule 2 are hereby revoked to the extent specified in that Schedule.

*Modifications – Regulations*

4.—(1) Regulation 42(2) of the Miscellaneous Mines (General) Regulations (Northern Ireland) 1970(e) shall have effect as if the reference to the Department were a reference to an inspector.

(2) Regulation 4(7) of the Mines (Medical Examinations) Regulations (Northern Ireland) 1970(f) shall have effect as if the reference to the Department were a reference to the Department of Manpower Services.

(a) Formerly Ministry: see 1973 c. 36 s. 40 and Sch. 5 para. 8(1)

(b) S.I. 1978/1039 (N.I. 9) — brought into operation by S.R. 1978 No. 384 (C. 21) (II, p. 1421)

(c) 1927 c. 19 (N.I.)

(d) 1969 c. 6 (N.I.)

(e) S.R. & O. (N.I.) 1970 No. 104 (p. 488)

(f) S.R. & O. (N.I.) 1970 No. 122 (p. 580)

*References to inspectors of mines and quarries*

## 5. References in a statutory provision to—

- (a) an inspector appointed under the Act of 1927;
- (b) an inspector appointed under the Act of 1969; or
- (c) the chief inspector appointed under the Act of 1969,

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

- (a) an inspector appointed by the Department of Commerce under Article 21 of the Order of 1978 for carrying into effect the provisions of the Act of 1927;
- (b) an inspector so appointed by the Department of Commerce for carrying into effect the provisions of the Act of 1969; or
- (c) the inspector so appointed who is authorised to act for the purposes of the provision in question.

*Supplemental*

6.—(1) These regulations shall not affect the validity of anything done under any statutory provision modified by these regulations before the coming into operation of these regulations; and anything which, at the coming into operation of these regulations, is 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 Act of 1927;
- (b) an inspector appointed under the Act of 1969; or
- (c) the chief inspector appointed under the Act of 1969,

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

- (a) an inspector appointed by the Department of Commerce under Article 21 of the Order of 1978 for carrying into effect the provisions of the Act of 1927;
- (b) an inspector so appointed by the Department of Commerce for carrying into effect the provisions of the Act of 1969; or
- (c) an inspector so appointed who is authorised to act for the purpose of the provision in question.

(2) Without prejudice to paragraph (1), 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 by regulation 3, instruments made or having effect under any provision repealed or revoked by these regulations and in force immediately before the coming into operation of these regulations shall continue in force notwithstanding the repeal or revocation of that provision.

(4) Where any of the provisions 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 December 1980.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 2nd October 1980.

(L.S.)

*J. D. M. Thompson*

Assistant Secretary

## SCHEDULE 1

Regulation 2(1)

## Repeals

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1927 c. 19 (N.I.)	Quarries Act (Northern Ireland) 1927	Sections 6, 10(1)(a) to (d) and (3), 11(3) and (4), 12, 13, 14, 15(1), 20, 21 and 22(3) and (4).
1969 c. 6 (N.I.)	Mines Act (Northern Ireland) 1969	<p>Sections 4(4), 12(2), 21, 22(4), 23(2)(a), 26, 27, 29, 31(3), 32, 34(2), 35(1)(a) and (2) to (4), 38.</p> <p>In section 39(1)(i), the words from “provision may be made” to “regulations apply, and”.</p> <p>In section 42(4), the words “subject to any exceptions for which provision may be made by regulations” and the words from “and regulations may provide” onwards.</p> <p>In section 45(1), the words from “and provision may be made” onwards and subsection (2).</p> <p>Sections 47, 49(2) and (3) and 50.</p> <p>In section 51(1), the words “subject to any exceptions for which provisions may be made by regulations”.</p> <p>In section 55(2), the words from “and regulations may provide” onwards. Section 57.</p> <p>In section 60, subsection (2) and in subsection (3) the words “or of regulations having effect by virtue of,” and the words from “and regulations” onwards.</p> <p>Sections 62(3)(c) and (4), 63, 68, 69(1) and (2), 70(4), 71, 72, 74(3), 78, 81(2), 84(2), 91(2) and 92.</p> <p>In section 95(1), the words from “and provision may be made” onwards.</p> <p>Sections 96, 100, 101, 103, 104, 106(3), 107 and 117.</p> <p>In section 120, subsections (1) to (4) and in subsection (5) the words from “in the provisions” to “repealed by this Act”.</p> <p>Sections 121, 123, 124 and 125.</p> <p>In section 133(1), the words “for which no express penalty is provided”.</p> <p>Section 139.</p>

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1969 c. 6 (N.I.)	Mines Act (Northern Ireland) 1969	<p>In section 141, in subsection (1) the words from “with respect to” to “this Act may”, the word “either” and the words “or upon indictment” and subsections (2) to (5).</p> <p>In section 149, in subsection (1) the words “or authorised” and “or by virtue” and in subsection (2) the words “or authorised” and “or by virtue”.</p> <p>Sections 152, 154 and 164.</p> <p>Schedules 1 and 2.</p>

## SCHEDULE 2

Regulation 3

## Revocations

<i>Number</i>	<i>Title</i>	<i>Extent of revocation</i>
S.R. & O. (N.I.) 1970 No. 91	Mines (Draft Regulations) Rules (Northern Ireland) 1970	The whole instrument.
S.R. & O. (N.I.) 1970 No. 125	Coal and Other Mines (Ventilation) Regulations (Northern Ireland) 1970	Regulation 24(2).
S.R. & O. (N.I.) 1970 No. 127	Coal and Other Mines (Precautions against Inrushes) Regulations (Northern Ireland) 1970	In Regulation 7 the words from "except" to the end of the regulation.
S.R. & O. (N.I.) 1970 No. 128	Coal and Other Mines (Managers and Officials) Regulations (Northern Ireland) 1970	Regulations 14(3) and (4) and 17(2) and (3).
S.R. & O. (N.I.) 1970 No. 130	Coal and Other Mines (Electricity) Regulations (Northern Ireland) 1970	In Regulation 6(1) the words from "and the Ministry" to the end of the paragraph.
S.R. & O. (N.I.) 1970 No. 139	Coal and Other Mines (Mechanics and Electricians) Regulations (Northern Ireland) 1970	Regulation 6(2) and (3).

**Modifications of the Act of 1969**

1. In section 1(1)(b) after “and regulations” where it secondly occurs insert “and all requirements or prohibitions imposed by or under the Health and Safety at Work (Northern Ireland) Order 1978 or health and safety regulations”.
2. In section 10 after “regulations” insert “or health and safety regulations” and after “by virtue of this Act” insert “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. In section 112(1) after “regulations” insert “or health and safety regulations which expressly apply to all mines, any class of mine to which the mine belongs or the mine”.
4. In section 114 after “Act” where it first occurs insert “and of the Health and Safety at Work (Northern Ireland) Order 1978”, after “regulations” insert “health and safety regulations” and after “Under or by virtue of this Act” insert “or the Health and Safety at Work (Northern Ireland) Order 1978”.
5. In section 120(5) after “this section” insert “as originally enacted”
6. In section 130—
  - (a) in subsection (1) after paragraph (c) insert the following paragraph—

“(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) for the words from “being a provision” to “or all persons” substitute “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”.
  - (c) in subsection (3) after paragraph (b) insert—

“; or

(c) any requirement or prohibition expressly imposed by or under such health and safety regulations as are mentioned in paragraph (d) of subsection (1) of this section on the owner of the mine;”
7. In section 133—
  - (a) in subsection (1) after “under” insert “section 129(1) of”; and
  - (b) in subsection (2) after “under” insert “section 129(1) of”.
8. In section 134 after paragraph (b) insert—

“; or

(c) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all mines, any class of mine or a particular mine 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;”
9. In section 135 after paragraph (c) insert—

“; or

(d) a requirement or prohibition imposed by or under such health and safety regulations as are mentioned in subsection (1)(d) of section 130 of this Act;”
10. In section 141(1) after “under” insert “section 129(1) of”
11. In section 142 after “under” insert “section 129(1) of”
12. In section 149 after “notice required by” where it twice occurs insert “section 35(1)(b)”.

## 13. In section 150—

- (a) in subsection (1) after “regulations” insert “or health and safety regulations which expressly apply to all mines, any class of mine or a particular mine”; and
- (b) in subsection (2) after “regulations” in each place where it appears insert “or such health and safety regulations”.

## 14. In section 158(1)—

- (a) for the definition of “central rescue station” substitute the following definition—  
“‘central rescue station’ means a station providing facilities common to a number of mines for the conduct of fire-fighting and rescue operations”;
- (b) in the definition of “contravention” after sub-paragraph (b) insert—  
“; 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;”;
- (c) before the definition of “inset” insert the following definition—  
“‘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;”;
- (d) for the definition of “inspector” substitute the following definition—  
“‘inspector’ means an inspector appointed by the Department of Commerce 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.”

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations repeal, revoke and modify provisions of the Quarries Act (Northern Ireland) 1927 and the Mines Act (Northern Ireland) 1969 and instruments made thereunder.

The Regulations are made in consequence of the coming into operation of provisions of the Health and Safety at Work (Northern Ireland) Order 1978 which supersede or affect the said provisions.

The Regulations therefore—

- (a) transfer the functions of inspectors appointed under the Acts of 1927 and 1969 to inspectors appointed by the Department of Commerce under the Order of 1978;
- (b) apply, with certain exceptions, to offences under the Acts of 1927 and 1969 committed on or after 1st December 1980 the penalties prescribed in the Order of 1978;
- (c) repeal or modify powers and provisions which are superseded or affected by powers and provisions contained in the Order of 1978 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;
- (d) apply certain provisions of the Act of 1969 to health and safety regulations relating to mines made under the Order of 1978.