



Mines Management Act 1971

1971 CHAPTER 20

2 Under-managers.

- (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
 - (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;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.