



# Mines and Quarries Act 1954

## 1954 CHAPTER 70

### PART II

#### MANAGEMENT AND CONTROL (MINES)

##### *Managers and Under-managers*

### **2 Appointment, and general duties and powers, of mine managers**

- (1) Subject to the following provisions of this Act, no mine shall be worked unless there is a sole manager of the mine, being an individual duly appointed and having such qualifications (if any) as are required by or by virtue of the said provisions.
- (2) The manager of a mine shall have the management and control of the mine, exercisable subject to any instructions given to him by or on behalf of the owner thereof, and shall also—
  - (a) have the duty of securing the discharge by all others of obligations imposed on them with respect to the mine by or by virtue of the following provisions of this Act; and
  - (b) have such duties with respect to the appointment of persons to carry out inspections of the mine and to be in charge of, or to supervise or conduct, operations thereat, and such other duties, and such powers, as are imposed or conferred on him by or by virtue of the following provisions of this Act.
- (3) The manager of a mine shall be appointed by the owner thereof who, if an individual, may appoint himself subject, in the case of a mine whereof the manager is by or by virtue of the following provisions of this Act required to hold qualifications for his office, to the possession by the owner of those qualifications.

### **3 Rights of mine manager with respect to instructions given by or on behalf of owner**

- (1) Any instructions given to the manager of a mine by or on behalf of the owner thereof, being instructions affecting the fulfilment, in relation to the mine, by the manager of

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statutory responsibilities of his, shall, so far as they are not written, be confirmed in writing by the person by whom they were given forthwith after the making of a request in that behalf by the manager.

- (2) Except in a case of emergency, neither the owner of a mine nor a person acting on his behalf shall, except with the consent of the manager of the mine, give, otherwise than through the manager, any instructions to a person employed at the mine who is responsible to the manager; and where the owner of a mine or a person acting on his behalf gives, in either of the said excepted cases, instructions which, apart from the exception, would be required to be given through the manager of the mine, the person who gave the instructions shall, forthwith after he has given them, inform the manager of the substance thereof and, if requested so to do by the manager, confirm them in writing forthwith after the making of the request.

The foregoing provisions of this subsection shall not apply to any instructions given by an under-manager of a mine or a person appointed by the manager of a mine in pursuance of this Act or regulations.

- (3) Where, in the case of a mine whereof the manager is by or by virtue of the following provisions of this Act required to hold qualifications for his office, instructions are given by or on behalf of the owner of the mine to the manager of the mine, an under-manager thereof or a person appointed by the manager in pursuance of this Act or regulations, then, if the manager is of opinion that the execution of the instructions would or might be likely to prejudice the safety or health of the persons employed at the mine (or any of them) or to impede him in the discharge, in relation to the mine, of any duty imposed on him by or by virtue of this Act, he may,—
- (a) in a case where the instructions are given to him, decline to execute them until they are confirmed in writing by a person qualified for appointment as manager of the mine who is authorised in writing by the owner of the mine to confirm instructions given as aforesaid;
  - (b) in any other case, direct that the instructions be not executed until they are so confirmed by such a person.

The foregoing provisions of this subsection shall not apply to instructions given by an owner of a mine who is an individual or by such a person as is mentioned in paragraph (a) of this subsection.

- (4) Where, in the case of such a mine as is mentioned in the last foregoing subsection, instructions are given and confirmed as therein mentioned, the document by which they are confirmed shall be preserved by the manager of the mine, and a copy of that document shall be preserved by the owner of the mine, in each case for three years after the instructions cease to be operative.

#### **4 Qualifications of mine managers**

- (1) No person shall be qualified to be appointed or to be the manager of a mine of coal, stratified ironstone, shale or fireclay at which more than thirty persons are employed below ground unless he is the holder of a first-class certificate of competency valid with respect to the mine, has attained the age of twenty-six years and satisfies such other conditions (if any) as may be prescribed.
- (2) No person shall be qualified to be appointed or to be the manager of a mine of coal, stratified ironstone, shale or fireclay at which more than fourteen but not more than thirty persons are employed below ground—

- (a) except in a case falling within paragraph (b) of this subsection, unless he is the holder of a first-class or second-class certificate of competency valid with respect to the mine, has attained the age of twenty-three years and satisfies such other conditions (if any) as may be prescribed;
- (b) in a case where there is for the time being in force a direction, given by an inspector by notice served on the owner of the mine, that this paragraph shall apply to the mine, unless he is the holder of a first-class certificate of competency valid with respect to the mine, has attained the age of twenty-six years and satisfies such other conditions (if any) as may be prescribed:

Provided that an inspector may, by notice served on the owner of any such mine as aforesaid, exempt the mine from the provisions of this subsection.

- (3) In the case of a mine of coal, stratified ironstone, shale or fireclay at which not more than fourteen persons are employed below ground, an inspector may by notice served on the owner of the mine direct that this subsection shall apply to the mine and, while the direction remains in force, no person shall be qualified to be appointed or to be the manager of the mine unless he is the holder of a first-class or second-class certificate of competency valid with respect to the mine, has attained the age of twenty-three years and satisfies such other conditions (if any) as may be prescribed.
- (4) Regulations may direct, or empower an inspector to direct, that no person shall be qualified to be appointed or to be the manager of a mine other than of coal, stratified ironstone, shale or fireclay unless he satisfies such conditions as may be prescribed.

## **5 Limitation on number of mines which a person may manage**

- (1) No person shall, without the approval of an inspector, be manager of more than one mine unless—
  - (a) the total number of persons employed at all the mines of which he is manager does not exceed one thousand ; and
  - (b) the surface entrances to all the shafts and outlets for the time being in use at all such mines lie within a circle whose radius is two miles.
- (2) Where a person is manager of two or more mines and it appears to an inspector that by reason thereof the fulfilment, in relation to those mines or any of them, by that person of statutory responsibilities of his is prejudiced, the inspector may serve on the owner of each of the mines of which the first-mentioned person is manager a notice directing that the person who is the manager of such of those mines as may be specified in the notice shall not also be the manager of the others or of such of them as may be so specified.

## **6 Under-managers**

- (1) For any mine there may be one or more under-managers and (subject to the following provisions of this section and to the following provisions of this Act) in the case of—
  - (a) a mine which, by virtue of the foregoing provisions of this Act, cannot lawfully be worked unless the manager thereof is none other than the holder of a first-class certificate of competency, being a mine whereof the manager is also the manager of another mine; and
  - (b) a mine (other than one falling within the foregoing paragraph), being a mine with respect to which there is for the time being in force a direction, given by an inspector by notice served on the owner of the mine, that, on the ground

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of the size or condition of the mine or the system of working it being such as, in the opinion of the inspector, to render it inexpedient that it should be worked unless there is at least one under-manager, this paragraph shall apply to the mine;

the mine shall not be worked unless there is at least one under-manager.

- (2) If an inspector is satisfied with respect to any such mine as is mentioned in paragraph (a) of the foregoing subsection that it is unnecessary to require the appointment of an under-manager for the mine, he may, by notice served on the owner of the mine, direct that so much of that subsection as prohibits the mine's being worked without there being at least one under-manager shall not have effect with respect to the mine.
- (3) The jurisdiction of an under-manager of a mine may be limited to part of the mine, but a mine file working whereof is unlawful unless there is at least one under-manager shall not be worked unless every part thereof below ground is within the jurisdiction of the under-manager or (where there are two or more under-managers) some one of them.
- (4) It shall be the duty of an under-manager of a mine, to the extent of his jurisdiction thereover, to supervise all operations carried on thereat and, to the best of his ability, to execute and enforce with respect to the mine the provisions of this Act, orders made thereunder and regulations.
- (5) No mine of coal, stratified ironstone, shale or fireclay (being a mine which, by virtue of the foregoing provisions of this Act, cannot lawfully be worked unless the manager thereof is none other than the holder of a first-class certificate of competency) shall be worked so long as a person is under-manager thereof who does not satisfy the following conditions, namely, that he is the holder of a first-class or second-class certificate of competency valid with respect to the mine, that he has attained the age of twenty-three years and that he satisfies such other conditions (if any) as may be prescribed ; and provision may be made by regulations for requiring that no mine (other than as aforesaid) shall be worked so long as a person is under-manager thereof who does not satisfy such conditions as may be prescribed.
- (6) An under-manager of a mine shall be appointed by the owner thereof.

## **7 Temporary appointments during vacancy in office of mine manager or under-manager**

- (1) Where, by reason of death, resignation or other cause, a vacancy occurs in the office of manager of a mine, nothing in section two of this Act shall prevent the mine being worked at any time during a period not exceeding seventy-two days (or such longer period as an inspector may allow) until the vacancy is filled, if at that time there is a person appointed by the owner of the mine to exercise the powers and perform the duties of manager of the mine during a vacancy in the office, being a person who, at that time, is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of subsection (5) of the last foregoing section.
- (2) Where, in the case of a mine the working whereof is unlawful unless there is at least one under-manager, a sole or last surviving under-manager dies, resigns or otherwise ceases to hold office, nothing in the last foregoing section shall prevent the mine being worked at any time during a period not exceeding seventy-two days (or such

longer period as an inspector may allow) until the vacancy is filled, if at that time there is a person appointed by the owner of the mine to perform the duties of under-manager thereof in the event of a sole or last surviving under-manager ceasing to hold office, being a person who at that time either could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of subsection (5) of the last foregoing section or has such other qualifications as may be prescribed and has within his jurisdiction every part of the mine below ground.

- (3) A person appointed by the owner of a mine as mentioned in subsection (1) or (2) of this section shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act, orders made thereunder and regulations in all respects as if he were the manager of the mine to which the appointment relates or, as the case may be, an under-manager thereof.

## **8 Daily supervision by mine managers and under-managers**

- (1) No mine shall be worked unless daily personal supervision thereover is exercised by the manager thereof or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner of the mine to exercise such supervision during any such period, being a person who is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of subsection (5) of section six of this Act:

Provided that the foregoing provisions of this subsection shall not authorise the working of a mine by virtue of the exercise of daily personal supervision by a person other than the manager thereof for any period exceeding seventy-two days (or such longer period as an inspector may allow).

- (2) No such mine as is mentioned in paragraph (a) or (b) of subsection (1) of section six of this Act (not being a mine with respect to which a direction under subsection (2) of that section is in force) shall be worked unless daily personal supervision is exercised by each under-manager thereof or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner of the mine to exercise such supervision during any such period, being a person who either is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of subsection (5) of section six of this Act or has such other qualifications as may be prescribed.
- (3) A person appointed as mentioned in subsection (1) or (2) of this section shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act, orders made thereunder and regulations in all respects as if he were the manager of the mine to which the appointment relates or, as the case may be, the under-manager thereof in whose place he is acting, so, however, that nothing in the foregoing provisions of this subsection shall be construed as divesting the manager or an under-manager of a mine of any power, or relieving him from any duty or liability, conferred or imposed on him by or by virtue of this Act.

## **9 Charge of mine when neither manager nor under-manager nor substitute is present**

No mine shall be worked at a time when neither the manager of the mine, nor an under-manager thereof nor a person acting in exercise of an appointment made for the

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purpose of any of the provisions of the two last foregoing sections is present at the mine unless the mine is in the charge of a competent person appointed by the manager and having such qualifications (if any) as may be prescribed:

Provided that nothing in the foregoing provisions of this section shall prevent the working of a mine at a time when no persons are employed thereat below ground.

#### **10 Duties of mine managers with respect to reading of reports, and c**

It shall be the duty of the manager of every mine, with respect to each report, record or other item of information which, in pursuance of this Act or regulations, is entered in a book which by or by virtue of this Act is required to be provided for that purpose by the owner of the mine, either to read it himself forthwith or to secure that it is read forthwith by some other competent person and that there is promptly brought to his notice any matter disclosed by the report, record or other item of information which either is of an abnormal or unusual nature as regards the mine or, not being of such a nature, is of a kind which will or may necessitate the taking of any steps by the manager or any other person.