



Mines and Quarries Act 1954

1954 CHAPTER 70

PART VI

NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND DISEASES

Notification

116 Notification of certain accidents

- (1) Where an accident occurs at a mine or quarry which causes the death of, or serious bodily injury to, a person employed at the mine or quarry, notice of the accident, in such form and accompanied by such particulars as may be specified by the Minister, shall forthwith be given by the responsible person to the inspector for the district and to such person as may for the time being be nominated—
 - (a) in a case where there is an association or body representative of a majority of the total number of persons employed at the mine or quarry, by that association or body;
 - (b) in any other case, jointly by associations or bodies which are together representative of such a majority ;to receive on behalf of the persons so employed notices under this subsection.
- (2) Where an accident causing serious bodily injury is notified under this section, and after notification thereof results in the death of the person injured, notice of the death shall, so soon as it comes to the knowledge of the responsible person, be given by him to the inspector for the district and the person nominated as aforesaid.
- (3) Where an accident to which this section applies occurs to a person employed at a mine or quarry and the owner of the mine or quarry is not the actual employer of that person, the actual employer shall, if he fails to report the accident to the responsible person immediately, be guilty of an offence.

Status: This is the original version (as it was originally enacted).

117 Power to extend to other dangerous occurrences provisions as to notification of accidents

- (1) If the Minister is of opinion that any special class of occurrences at mines or quarries is of so dangerous a nature as to render it expedient that notice should be given under the last foregoing section in every case thereof, he may by order extend the provisions of that section to occurrences of that class, whether death or serious bodily injury is thereby caused or not.
- (2) In any proceedings taken under this Act in respect of a failure to give notice of an occurrence of any kind at a mine or quarry, being proceedings which could not be taken apart from an order under this section, it shall be a defence for the person charged to prove that he was not aware of the occurrence and that he had taken all reasonable steps for having occurrences of that kind brought to his notice,

118 Power to apply to diseases provisions as to notification of accidents

- (1) The Minister may by order apply (subject to such exceptions, adaptations and modifications, if any, as may be specified in the order) the provisions of section one hundred and sixteen of this Act to the contraction, by a person employed at a mine or quarry, of any such disease as may be specified in the order.
- (2) In any proceedings which, by virtue of an order under this section, are taken under this Act in respect of a failure to give notice of the contraction by a person employed at a mine or quarry of a disease, it shall be a defence for the person charged to prove that he was not aware that the first-mentioned person had contracted the disease.

119 Inquest in case of death by accident

- (1) Where a coroner holds an inquest on the body of a person whose death may have been caused by an accident at a mine or quarry, the coroner shall adjourn the inquest unless an inspector or some other person on behalf of the Minister is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, give to the inspector for the district notice of the time and place of holding the adjourned inquest:

Provided that—

- (a) the coroner, before the adjournment, may take evidence to identify the body and may order the interment thereof; and
 - (b) if the inquest relates to the death of not more than one person, the coroner shall not be bound to adjourn the inquest in pursuance of this section if, not less than twenty-four hours before it is held, he informed the inspector for the district of the time and place of the holding thereof.
- (2) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident, or of any defect at the mine or quarry appearing to the coroner or jury to require a remedy, the coroner shall give to the inspector for the district notice of the neglect or defect.

120 Site of accident or other dangerous occurrence to be left undisturbed

Where there occurs at a mine or quarry an accident or other occurrence (being in either case one of which notice is required by this Act to be given), no person shall disturb the place where it occurred or tamper with anything thereat before—

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

- (a) the expiration of three clear days after notification of the accident or other occurrence in accordance with this Act; or
- (b) that place has been both visited by an inspector and inspected in exercise of the powers in that behalf conferred by the provisions of this Act relating to workmen's inspections;

whichever first occurs:

Provided that—

- (i) nothing in this section shall prohibit the doing of anything by or with the consent of an inspector; and
- (ii) in any proceedings taken in respect of a contravention of this section consisting of the doing of any act, it shall be a defence to prove that the doing of that act was necessary for securing the safety of the mine or quarry or persons thereat.

Investigations

121 Power of Minister to require special report on accident or other dangerous occurrence

Where there occurs at a mine or quarry an accident or other occurrence (being in either case one of which notice is required by this Act to be given) the Minister may, at any time, direct an inspector to make a special report with respect thereto, and the Minister may cause any such report to be made public at such time and in such manner as he thinks fit.

122 Power of Minister to direct public inquiry into accident or other dangerous occurrence

- (1) The Minister may, where he thinks it expedient so to do, direct a public inquiry to be held into an accident or other occurrence at a mine or quarry (being in either case one of which notice is required by this Act to be given) and of its causes and circumstances.
- (2) The provisions of the First Schedule to this Act shall have effect with respect to any such inquiry.
- (3) Where the Minister directs a public inquiry to be held into such an accident or other occurrence as aforesaid in Scotland, being one causing the death of any person, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895.