



# Mines and Quarries Act 1954

## 1954 CHAPTER 70

### PART XI

#### INSPECTORS

#### **144 Appointment and duties of inspectors**

- (1) The Minister may appoint such inspectors (under whatever title he may from time to time determine) as he thinks necessary for the execution of this Act, and assign to them their duties, and may appoint a chief inspector with an office in London, and may determine the cases and manner in which inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors.
- (2) It shall be the duty of the Minister to satisfy himself, with respect to any person whom he proposes to appoint to be an inspector, that that person will have no such interest (whether financial or of any other kind) as is likely to affect him in the exercise and performance of his powers and duties as an inspector.
- (3) In the assignment of inspectors for duty in Wales or Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.
- (4) The Minister may pay to inspectors appointed under this section such salaries as he may determine.
- (5) An inspector shall not be liable to serve on any jury.
- (6) Such annual report of the proceedings of the inspectors as the Minister directs shall be laid before both Houses of Parliament.

#### **145 General powers of inspectors**

- (1) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things, that is to say:—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) at any time (whether by day or by night) to enter a mine, quarry or central rescue station and to inspect the whole or any part thereof, anything thereat and any animals employed for the purposes thereof;
- (b) to make such examination and inquiry as may be necessary—
  - (i) to ascertain whether, so far as regards a mine, quarry or central rescue station or persons or animals employed thereat, the following are complied with, namely, the provisions of this Act, orders made thereunder and regulations, any direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector and any condition attached to any exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector; or
  - (ii) to ascertain any matter appearing to the inspector to affect or relate to the safety or health of persons employed at a mine, quarry or central rescue station or the care or treatment of animals employed thereat and in particular (but without prejudice to the generality of the foregoing words) the causes and circumstances of any 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;
- (c) on entering any premises, to take with him a constable if he has reasonable cause to apprehend any serious obstruction in the exercise of the powers conferred on him by this subsection or, for the purpose of any examination or inquiry relating to the care or treatment of animals, a duly qualified veterinary surgeon;
- (d) for the purpose of any examination or inquiry under the foregoing provisions of this subsection—
  - (i) to require any person whom he finds at a mine, quarry or central rescue station, or whom he has reasonable cause to believe to be, or to have within the preceding two months been, employed at a mine, quarry or central rescue station, to answer, in the absence of persons other than a person nominated by him to be present and any persons whom the inspector may allow to be present, such questions as the inspector thinks fit to ask, so however, that no answer given by a person in pursuance of a requirement imposed under this sub-paragraph shall be admissible in evidence against him in any proceedings;
  - (ii) to take samples of any articles or substances found at a mine or quarry and, in the case of a mine, of the atmosphere therein ; and
  - (iii) to take possession of any machinery, apparatus or other article whatsoever at a mine or quarry which appears to him to have caused, or to be likely to cause, danger to safety or health and cause it to be dismantled or subjected to any process or test, notwithstanding that it is thereby damaged or destroyed ;
- (e) to require the production of, and to inspect.—
  - (i) any registers, books, plans or other documents which by, or by virtue of, this Act are required to be kept; and
  - (ii) any other documents, being documents which are in the possession or under the control of the owner or manager of a mine or the owner or a manager of a quarry and are relevant for the purposes of an examination or inquiry under the foregoing provisions of this section ;

- (f) to require the manager of a mine to mark on any plan of workings in the mine produced in compliance with a requirement imposed under the last foregoing paragraph the state, as at the time of the imposition of the requirement, of those workings or of such of them as may be specified in the requirement;
  - (g) to require any person having responsibilities in relation to a mine or quarry (whether or not the owner or a manager or any other person employed thereat) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this subsection;
  - (h) to exercise such other powers as may be necessary for carrying this Act into effect.
- (2) A person who—
- (a) fails to comply with any requirement imposed by an inspector under this section ; or
  - (b) prevents, or attempts to prevent, any other person from appearing before an inspector or from answering any question to which an inspector may, by virtue of the foregoing subsection, require an answer; or
  - (c) without permission granted by an inspector, removes from a mine or quarry, or conceals or tampers with, any machinery, apparatus or other article of which possession has been taken by an inspector under this section; or
  - (d) obstructs an inspector in the exercise or performance of his powers or duties ; shall be guilty of an offence.

#### **146 Power of inspector to require remedy for immediate or apprehended danger**

- (1) If an inspector is of opinion that a mine or quarry or any part thereof or any matter, thing or practice at a mine or quarry or connected with the control or management of a mine or quarry is or is likely shortly to become dangerous to the safety or health of the persons employed at the mine or quarry or any of them, he may serve on the responsible person a notice stating that he is of that opinion and giving particulars of the reason why he is of that opinion, and imposing upon the responsible person such prohibitions or restrictions or requirements (of whatsoever kind) as appear to the inspector to be necessary for the purpose of safeguarding the safety or health of the persons employed at the mine or quarry.
- (2) Nothing in this section shall authorise the service by an inspector of a notice with respect to a mine in a case in which the service by an inspector of a notice on the manager of that mine is authorised by section sixty-eight or seventy-eight of this Act.