



Mines and Quarries Act 1954

1954 CHAPTER 70 2 and 3 Eliz.2

PART XIV

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

Modifications etc. (not altering text)

- C1 Pt. XIV amended by Mines and Quarries (Tips) Act 1969 (c. 10), Sch. 1 para. 7; extended by Mines Management Act 1971 (c. 20), s. 3(2)

152 Offences.

- (1) In the event of a contravention, in relation to a mine, of—
- (a) a provision of this Act, of an order made thereunder or of regulations, not being a provision which expressly provides that a person is to be guilty of an offence; or
 - (b) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or
 - (c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by [^{F1}the Health and Safety Executive] or an inspector;
 - [^{F2}(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;]

each of the following persons shall, subject to the following provisions of this Act, be guilty of an offence, namely, the owner of the mine, any person to whom written instructions have been given by the owner in pursuance of section one of this Act specifying as, or including amongst, the matters with respect to which that person is charged with securing the fulfilment in relation to the mine of statutory responsibilities of the owner, matters of the class to which the provision, direction, prohibition, restriction, requirement or condition relates, the manager of the mine, any person who is for the time being treated for the purposes of this Act as the manager, ever under-

Status: Point in time view as at 01/12/1991.

Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954, Part XIV. (See end of Document for details)

manager of the mine and any person who is for the time being treated for the purposes of this Act as an under-manager thereof.

- (2) In the event of a contravention, in relation to a quarry of—
- (a) a provision of this Act or of regulations, not being a provision which expressly provides that a person is to be guilty of an offence; or
 - (b) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or
 - (c) a condition attached to an exemption, consent, approval or authority, granted or given under or by virtue of this Act by [^{F1}the Health and Safety Executive] or an inspector;
 - [^{F3}(d) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all quarries, any class of quarry to which the quarry belongs or the quarry.]

each of the following persons shall, subject to the following provisions of this Act, be guilty of an offence, namely, the owner of the quarry, any person to whom written instructions have been given by the owner in pursuance of section one of this Act specifying as, or including amongst, the matters with respect to which that person is charged with securing the fulfilment in relation to the quarry of statutory responsibilities of the owner, matters of the class to which the provision, direction, prohibition, restriction, requirement or condition relates, every manager of the quarry and any person who is for the time being treated for the purposes of this Act as a manager thereof:

Provided that—

- (i) neither a manager of a quarry who is not the sole manager thereof nor a person who is for the time being treated for the purposes of this Act as such a manager shall, by virtue of this subsection, be guilty of an offence by reason of any such contravention which took place in, or in relation to, a part of the quarry to which his jurisdiction did not, at the time of the contravention, extend; and
 - (ii) neither a sole nor any other manager of a quarry nor a person who is for the time being treated for the purposes of this Act as a manager thereof shall, by virtue of this subsection, be guilty of an offence which consists of such a contravention as aforesaid with regard to a matter responsibility for which is duly reserved to the owner in pursuance of section one hundred of this Act.
- (3) In the event of a contravention, in relation to a mine, by a person other than one mentioned in subsection (1) of this section, of such a provision as is mentioned in paragraph (a) of that subsection, [^{F4}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] from doing a specified act, the person who contravened that provision, as well as the persons mentioned in the said subsection (1), shall be guilty of an offence, and in the event of a contravention, in relation to a quarry, by a person other than one mentioned in subsection (2) of this section, of such a provision as is mentioned in paragraph (a) of that subsection, [^{F4}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] from doing a specified act, the person who contravened that provision, as well as the persons mentioned in the said subsection (2), shall be guilty of an offence.

Status: Point in time view as at 01/12/1991.

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- (4) Neither the manager of a mine as such, nor a manager of a quarry as such, nor a person who is for the time being treated for the purposes of this Act as the manager of a mine or a manager of a quarry, nor an under-manager of a mine, nor a person who is for the time being treated for the purposes of this Act as such an under-manager shall, by virtue of subsection (1) or (2) of this section, be guilty of an offence by reason of a contravention by the owner of the mine or quarry of—
- (a) any provision of this Act, of an order made thereunder or of regulations, being a provision which expressly imposes on the owner of the mine or quarry a duty or requirement or a prohibition; or
 - (b) any prohibition, restriction or requirement which, by virtue of a notice served under or by virtue of this Act by an inspector, is expressly imposed on the owner of the mine or quarry;
 - [^{F5}(c) any requirement or prohibition expressly imposed by or under such health and safety regulations as are mentioned in paragraph (d) of subsections (1) and (2) of this section on the owner of the mine or quarry].
- or of a contravention of section three or one hundred and one of this Act.

Textual Amendments

- F1** Words substituted by virtue of S.I. 1974/2013, **Sch. 2 para. 3**
- F2** S. 152(1)(d) inserted by S.I. 1974/2013, **Sch. 2 para. 12(a)**
- F3** S. 152(2)(d) inserted by S.I. 1974/2013, **Sch. 2 para. 12(b)**
- F4** Words substituted by S.I. 1974/2013, **Sch. 2 para. 12(c)**
- F5** S. 152(4)(c) inserted by S.I. 1974/2013, **Sch. 2 para. 12 (d)**

Modifications etc. (not altering text)

- C2** S. 152 extended by Mines Management Act 1971 (c. 20), **s. 1(3)**
- C3** S. 152(1)(2) excluded by Mines and Quarries (Tips) Act 1969 (c. 10), **s. 3(2)**
- C4** S. 152(1) amended by Mines Management Act 1971 (c. 20), **s. 2(1)**

153 Accessories.

Without prejudice to the operation—

- (a) as respects England and Wales, of section eight of the ^{M1}Accessories and Abettors Act 1861, and [^{F6}section 44 of the ^{M2}Magistrates' Courts Act 1980]; and
- (b) as respects Scotland, of section sixty-one of the ^{M3}Criminal Procedure (Scotland) Act 1887, and section two of the ^{M4}Summary Jurisdiction (Scotland) Act 1954;

any person who induces or procures, or consents to or connives at, the commission of an offence under this Act, shall be guilty of an offence.

Textual Amendments

- F6** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 7 para. 11**

Marginal Citations

- M1** 1861 c. 94.
- M2** 1980 c. 43.

Status: Point in time view as at 01/12/1991.

Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954, Part XIV. (See end of Document for details)

M3 1887 c. 35.

M4 1954 c. 48.

154 Supplementary provisions as to offences.

- (1) If any persons are employed at a mine or quarry otherwise than in accordance with the provisions of this Act, orders made thereunder and regulations, there shall be deemed to be a separate contravention in respect of each person so employed.
- (2) If a person acts as manager of a mine in contravention of the provisions of subsection (1) of section five of this Act, of any condition attached to an approval granted under that subsection or of a direction given by a notice served under subsection (2) of that section, there shall be deemed to be a separate contravention in relation to each mine as manager of which he acts.

155 Penalty for offences for which no express penalty is provided.

- (1) A person guilty of an offence under this Act for which no express penalty is provided shall be liable—
 - (a) if he is the owner of a mine or quarry, a person to whom instructions have been given by the owner of a mine or quarry in pursuance of section one of this Act, the manager of a mine or a manager of a quarry, a person who is for the time being treated for the purposes of this Act as the manager of a mine or a manager of a quarry, an under-manager of a mine, a person who is for the time being treated for the purposes of this Act as such an under-manager or the surveyor for a mine, to a fine not exceeding [^{F7}two hundred pounds][^{F7}level 4 on the standard scale]; and
 - (b) if not, to a fine not exceeding [^{F8}twenty pounds][^{F8}level 1 on the standard scale];

and, if the contravention in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding five pounds for each day on which the contravention is so continued.
- (2) Where the court by which a person is convicted of any such offence as aforesaid is satisfied that the contravention in respect of which he is convicted—
 - (a) was likely to cause the death of, or serious bodily injury to, a person employed at the mine or quarry in relation to which the contravention occurred or a dangerous accident; or
 - (b) was likely to endanger the safety of any such person; the court may impose upon the person convicted (either in addition to, or in substitution for, a fine) imprisonment for a term not exceeding three months.

Textual Amendments

- F7** S. 155(1)(a) for “£200” there is substituted (S.) “level 4 on the standard scale” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F**, 289G, 457A
- F8** S. 155(1)(b) for “£20” there is substituted (S.) “level 1 on the standard scale” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F**, 289G, 457A

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Modifications etc. (not altering text)

- C5 S. 155 repealed except in respect of a contravention of a provision of s. 151(1) by S.I. 1974/2013, Sch. 1 Pt. 1

156 Defence available to person charged with offence not committed personally.

In any proceedings under this Act which, by virtue of subsection (1) or (2) of section one hundred and fifty-two of this Act, are taken against a person in respect of the contravention by a person other than himself of—

- (a) a provision of the Act, of an order made thereunder or of regulations, being a provision which expressly imposes on that other person or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibits him or persons of such a class or all persons from doing a specified act; or
- (b) a prohibition, restriction or requirement which by virtue of a notice served under or by virtue of this Act by an inspector is expressly imposed on that other person;
- [^{F9}(c) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all mines or quarries, any class of mine or quarry or a particular mine or quarry 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;]

it shall be a defence for the person charged to prove that he used all due diligence to secure compliance with the provision, prohibition, restriction or requirement, as the case may be.

Textual Amendments

- F9 S. 156(c) inserted by S.I. 1974/2013, Sch. 2 para. 13

157 Persons not to be under liability for contraventions which it was impracticable to avoid or prevent.

It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to a mine or quarry, of—

- (a) a provision of this Act, of an order made thereunder or of regulations (not being a provision which expressly provides that a person is to be guilty of an offence); or
- (b) a direction, prohibition, restriction, or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or
- (c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by [^{F10}the Health and Safety Executive] or an inspector;
- [^{F11}(d) a requirement or prohibition imposed by or under such health and safety regulations as are mentioned in subsection (1)(d) or (2)(d) of section 152 of this Act;]

to prove that it was impracticable to avoid or prevent the contravention.

Status: Point in time view as at 01/12/1991.

Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954, Part XIV. (See end of Document for details)

Textual Amendments

F10 Words substituted by virtue of S.I. 1974/2013, **Sch. 2 para. 3**

F11 S. 157(d) inserted by S.I. 1974/2013, **Sch. 2 para. 14**

Modifications etc. (not altering text)

C6 S. 157 excluded (1.4.1989 and 1.4.1994) by S.I. 1988/1729, **regs. 1(1)(a)(b), 11**, restricted by S.I. 1988/1930, **regs. 3, 15**, excluded by S.I. 1989/635, **reg. 28**

C7 S. 157 excluded (1.4.1993 except in so far as those regulations apply to mines of tin or tin ore and 1.1.1996 in so far as they do apply to mines of tin or tin ore) by S.I. 1993/302, **regs. 1, 21**.

C8 S. 157 restricted (1.10.1993) by S.I. 1993/1897, **reg. 39**.

C9 S. 157 excluded (1.4.1993) by 1993/208, **reg. 40(2)**.

C10 S. 157 excluded (1.1.1994) by 1993/2331, **reg. 7**.

S. 157 excluded (26.10.1995) by S.I. 1995/2005, **reg. 9**

S. 157 excluded (28.12.1995) by S.I. 1995/2870, **reg. 29**

S. 157 excluded (1.12.1999) by S.I. 1999/2463, **reg. 16**

158 Special defence available to mine under-managers with limited jurisdiction.

- (1) In any proceedings which, by virtue of subsection (1) of section one hundred and fifty-two of this Act are taken, in respect of such a contravention as is mentioned in that subsection against an under-manager of a mine acting as such, being an under-manager whose jurisdiction is limited to part only of the mine, it shall be a defence for him to prove that the contravention did not take place in, or in relation to, the part of the mine to which his jurisdiction was limited and that no act or omission of his caused or contributed to the contravention.
- (2) The foregoing subsection shall apply to a person who is for the time being treated for the purposes of this Act as an under-manager of a mine, being a person whose jurisdiction is limited to part only of the mine, as it applies to an under-manager whose jurisdiction is so limited.

159 Liability of owners for breaches of statutory duty by their servants.

For the removal of doubts it is hereby declared that the owner of a mine or quarry is not absolved from liability to pay damages in respect of a contravention, in relation to the mine or quarry, by a person employed by him of—

- (a) a provision of this Act, of an order made thereunder or of regulations; or
- (b) a prohibition, restriction or requirement imposed by a notice served under or by virtue of this Act by an inspector;

by reason only that the provision contravened was one which expressly imposed on that person or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibited that person, or persons of such a class or all persons from doing a specified act or, as the case may be, that the prohibition, restriction or requirement was expressly imposed on that person or that that person was, in pursuance of this Act or regulations, appointed by a person other than the owner.

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Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954, Part XIV. (See end of Document for details)

160 Liability of parents for unlawful employment of young persons

If a young person is employed at a mine or quarry in contravention of the provisions of this Act, the parent of the young person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F12}level 1 on the standard scale], unless it appears to the court that the contravention occurred without the consent, connivance or wilful default of the parent.

Textual Amendments

F12 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

161^{F13}

Textual Amendments

F13 Ss. 161, 163(2)–(6) repealed by S.I. 1974/2013, Sch. 1 Pt. I

162 Removal or defacement of notices, &c.

If, without reasonable excuse, a person removes, . . .^{F14}

- (a) a notice which is for the time being posted at a mine or quarry in pursuance of any provision of this Act or regulations; or
- (b) a document which, in pursuance of section one hundred and thirty-five of this Act, is for the time being provided in accommodation provided in pursuance of that section;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F15}level 1 on the standard scale].

Textual Amendments

F14 Words repealed by Criminal Damage Act 1971 (c. 48), Sch. Pt II

F15 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

163 Prosecution of offences.

- (1) Any offence under this Act with respect to the trial of which no express provision is made by this Act may be tried either summarily or upon indictment.

- (2)^{F16}

Textual Amendments

F16 Ss. 161, 163(2)–(6) repealed by S.I. 1974/2013, Sch. 1 Pt. I

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Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954, Part XIV. (See end of Document for details)

Modifications etc. (not altering text)

C11 S. 163(1) repealed except in respect of a contravention of a provision of s. 151(1) by [S.I. 1974/2013](#), [Sch. 1 Pt. I](#)

164 Restriction on institution of certain proceedings.

No proceedings for an offence under this Act shall, in England or Wales, be instituted against any such person as is mentioned in paragraph (a) of subsection (1) of section one hundred and fifty-five of this Act except by an inspector or by or with the consent of the Minister or the Attorney General.

Modifications etc. (not altering text)

C12 S. 164 repealed except in respect of a contravention of a provision of s. 151(1) by [S.I. 1974/2013](#), [Sch. 1 Pt. 1](#)

165 Duty to report results of proceedings against persons employed at mines or quarries.

- (1) An owner or manager of a mine or quarry by whom are instituted proceedings against a person employed at the mine or quarry for an offence under this Act shall, within twenty-one days after the conclusion of the trial of that person for that offence, give to the inspector for the district notice of the result of the trial and shall also, within twenty-one days after the conclusion of any proceedings by way of appeal arising out of the trial, give to the inspector for the district notice of the result of those proceedings.
- (2) For the purposes of this section the bringing of proceedings before the High Court to quash a conviction by order of certiorari shall be deemed to be an appeal.

166 Liability of parents for unlawful employment of children.

For the purposes of any proceedings under this Act in respect of the employment of children in contravention of . . . ^{F17}, [^{F18}section one hundred and thirty six of the ^{M5}Education (Scotland) Act 1962,] or section one of the ^{M6}Employment of Women, Young Persons and Children Act 1920 (being enactments which prohibit the employment of children in factories, mines and quarries and, so far as they relate to mines and quarries, are incorporated with this Act), the references in section one hundred and sixty of this Act to a young person shall be construed as including references to a child within the meaning of . . . ^{F17} the said section seventeen or the said section one, as the case may be.

Textual Amendments

F17 Words repealed by [Education Act 1973 \(c. 16\)](#), [Sch. 2 Pt. I](#)

F18 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 17\(2\)](#)

Marginal Citations

M5 1962 c. 47.

M6 1920 c. 65.

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Changes to legislation: There are currently no known outstanding effects for the Mines and Quarries Act 1954, Part XIV. (See end of Document for details)

167 F19

Textual Amendments

F19 S. 167 repealed by Criminal Justice Act 1972 (c. 71), Sch. 6 Pt. III

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Mines and Quarries Act 1954, Part XIV.