



# 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 <sup>F1</sup>the Health and Safety Executive] or an inspector;
  - <sup>F2</sup>(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-

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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.

<sup>F3</sup>(2) . . . . .

(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, [<sup>F4</sup>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, <sup>F5</sup> . . .

(4) Neither the manager of a mine as such, <sup>F6</sup> . . . nor a person who is for the time being treated for the purposes of this Act as the manager of a mine <sup>F6</sup> . . . , 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) <sup>F6</sup> . . . of this section, be guilty of an offence by reason of a contravention by the owner of the mine <sup>F7</sup> . . . 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 <sup>F7</sup> . . . a duty or requirement or a prohibition; <sup>F8</sup> . . .

(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 <sup>F7</sup> . . . ; [<sup>F9</sup>or]

[<sup>F10</sup>(c) any requirement or prohibition expressly imposed by or under such health and safety regulations as are mentioned in paragraph (d) of [<sup>F11</sup>subsection] (1) <sup>F12</sup> . . . of this section on the owner of the mine <sup>F7</sup> . . .].

<sup>F13</sup> . . . . .

#### 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) repealed (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. I**
- F4** Words substituted by S.I. 1974/2013, **Sch. 2 para. 12(c)**
- F5** Words in s. 152(3) omitted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**
- F6** Words in s. 152(4) omitted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**
- F7** Words in s. 152(4)(a)(b)(c) omitted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**
- F8** Word in s. 152(4)(a) omitted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**
- F9** Word in s. 152(4)(b) inserted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**
- F10** S. 152(4)(c) inserted by S.I. 1974/2013, **Sch. 2 para. 12 (d)**
- F11** Word in s. 152(4)(c) substituted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**
- F12** Words in s. 152(4)(c) omitted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**
- F13** Words in s. 152(4) omitted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**

#### Modifications etc. (not altering text)

- C2** S. 152 extended by Mines Management Act 1971 (c. 20), **s. 1(3)**
- C3** S. 152(1) amended by Mines Management Act 1971 (c. 20), **s. 2(1)**

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### 153 Accessories.

Without prejudice to the operation—

- (a) as respects England and Wales, of section eight of the <sup>M1</sup>Accessories and Abettors Act 1861, and [<sup>F14</sup>section 44 of the <sup>M2</sup>Magistrates' Courts Act 1980]; and
- (b) as respects Scotland, of section sixty-one of the <sup>M3</sup>Criminal Procedure (Scotland) Act 1887, and section two of the <sup>M4</sup>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

**F14** 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.

**M3** 1887 c. 35.

**M4** 1954 c. 48.

### 154 Supplementary provisions as to offences.

- (1) If any persons are employed at a mine <sup>F15</sup>. . . 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.

#### Textual Amendments

**F15** Words in [s. 154\(1\)](#) omitted (1.1.2000) by [S.I. 1999/2024, regs. 1\(1\), 47\(1\)\(2\)](#), [Sch. 2 Pt. II](#)

### 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 [<sup>F16</sup>two hundred pounds][<sup>F16</sup>level 4 on the standard scale]; and

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(b) if not, to a fine not exceeding [<sup>F17</sup>twenty pounds][<sup>F17</sup>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

**F16** 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

**F17** 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

#### Modifications etc. (not altering text)

**C4** S. 155 repealed except in respect of a contravention of a provision of s. 151(1) by [S.I. 1974/2013](#), [Sch. 1 Pt. I](#)

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

In any proceedings under this Act which, by virtue of subsection (1) <sup>F18</sup> . . . 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;
- [<sup>F19</sup>(c) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all mines <sup>F20</sup> . . . , any class of mine <sup>F20</sup> . . . or a particular mine <sup>F20</sup> . . . 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.

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#### Textual Amendments

- F18** Words in s. 156 omitted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**  
**F19** S. 156(c) inserted by S.I. 1974/2013, **Sch. 2 para. 13**  
**F20** Words in s. 156(c) omitted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**

### 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<sup>F21</sup> . . . , 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 [<sup>F22</sup>the Health and Safety Executive] or an inspector;
- [<sup>F23</sup>(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.

#### Textual Amendments

- F21** Words in s. 157 omitted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**  
**F22** Words substituted by virtue of S.I. 1974/2013, **Sch. 2 para. 3**  
**F23** S. 157(d) inserted by S.I. 1974/2013, **Sch. 2 para. 14**

#### Modifications etc. (not altering text)

- C5** 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**  
**C6** 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**.  
**C7** S. 157 restricted (1.10.1993) by S.I. 1993/1897, **reg. 39**.  
**C8** S. 157 excluded (1.4.1993) by 1993/208, reg. 40(2).  
**C9** 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**

### <sup>F24</sup>158 .....

#### Textual Amendments

- F24** S. 158 repealed (1.10.1993) by S.I. 1993/1897, reg. 41(1), **Sch. 3 Pt.I**.

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**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 <sup>F25</sup> . . . is not absolved from liability to pay damages in respect of a contravention, in relation to the mine <sup>F25</sup> . . . , 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.

**Textual Amendments**

**F25** Words in s. 159 omitted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**

**160 Liability of parents for unlawful employment of young persons**

If a young person is employed at a mine <sup>F26</sup> . . . 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 [<sup>F27</sup>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**

**F26** Words in s. 160 omitted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**

**F27** 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** ..... <sup>F28</sup>

**Textual Amendments**

**F28** Ss. 161, 163(2)–(6) repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

<sup>F29</sup>**162** .....

**Textual Amendments**

**F29** S. 162 repealed (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. I**

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### 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) . . . . . <sup>F30</sup>

#### Textual Amendments

**F30** Ss. 161, 163(2)–(6) repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

#### Modifications etc. (not altering text)

**C10** 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)

**C11** 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 <sup>F31</sup> . . . by whom are instituted proceedings against a person employed at the mine <sup>F31</sup> . . . 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.

#### Textual Amendments

**F31** Words in s. 165 omitted (1.1.2000) by S.I. 1999/2024, regs. 1(1), 47(1)(2), **Sch. 2 Pt. II**

### 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 . . . <sup>F32</sup>, [<sup>F33</sup>section one hundred and thirty six of the <sup>M5</sup>Education (Scotland) Act 1962,] or section one of the <sup>M6</sup>Employment of Women, Young Persons and Children Act 1920 (being enactments which prohibit the employment of children in factories [<sup>F34</sup>and], mines <sup>F35</sup> . . . and, so far as they relate

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to mines<sup>F35</sup> . . ., 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 . . .<sup>F32</sup> the said section seventeen or the said section one, as the case may be.

**Textual Amendments**

- F32** Words repealed by [Education Act 1973 \(c. 16\)](#), **Sch. 2 Pt. I**
- F33** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), **s. 17(2)**
- F34** Word in [s. 166](#) inserted (1.1.2000) by [S.I. 1999/2024](#), [regs. 1\(1\), 47\(1\)\(2\)](#), **Sch. 2 Pt. II**
- F35** Words in [s. 166](#) omitted (1.1.2000) by [S.I. 1999/2024](#), [regs. 1\(1\), 47\(1\)\(2\)](#), **Sch. 2 Pt. II**

**Marginal Citations**

- M5** [1962 c. 47](#).
- M6** [1920 c. 65](#).

**167** .....<sup>F36</sup>

**Textual Amendments**

- F36** [S. 167](#) repealed by [Criminal Justice Act 1972 \(c. 71\)](#), **Sch. 6 Pt. III**



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