



# Mines and Quarries Act 1954

1954 CHAPTER 70 2 and 3 Eliz.2

## PART XV

### MISCELLANEOUS AND GENERAL

#### *Interpretation*

#### **180 Meaning of “mine” and “quarry”.**

- (1) In this Act the expression “mine” means an excavation or system of excavations made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.
- (2) In this Act the expression “quarry” means an excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals, being neither a mine nor merely a well or bore-hole or a well and bore-hole combined.
- (3) For the purposes of this Act—
  - (a) there shall be deemed to form part of a mine so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the shafts or outlets of the mine as is occupied together with the mine for the purpose of, or in connection with, the working of the mine, the treatment, preparation for sale, consumption or use, storage or removal from the mine of the minerals or products thereof gotten from the mine or the removal from the mine of the refuse thereof; and
  - (b) there shall be deemed to form part of a quarry so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the quarry as is occupied together with the quarry for the purpose of, or in connection with, the working of the quarry, the treatment, preparation for sale, consumption or use, storage or removal from the quarry of the minerals or products thereof gotten from the quarry or the removal from the quarry of the refuse thereof:

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Provided that there shall not, for the said purposes, be deemed to form part of a mine or quarry premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine or quarry or the preparation for sale of minerals gotten therefrom.

- (4) For the purposes of this Act premises for the time being used for depositing refuse from a single mine or quarry, being premises exclusively occupied by the owner of that mine or quarry, shall be deemed to form part of that mine or quarry, and premises for the time being used for depositing refuse from two or more mines or quarries, being premises occupied by the owner of one of those mines or quarries (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of those mines or quarries as [<sup>F1</sup>the Health and Safety Executive] may direct.
- (5) For the purposes of this Act a railway line serving a single mine or quarry (not being a railway line falling within subsection (3) of this section or a railway line belonging to a railway company) shall be deemed to form part of that mine or quarry and a railway line jointly serving two or more mines or quarries (not being a railway line falling within subsection (3) of this section or a railway line belonging to a railway company) shall be deemed to form part of such one of them as [<sup>F1</sup>the Health and Safety Executive] may direct.
- (6) For the purposes of this Act a conveyor or aerial ropeway provided for the removal from a mine or quarry of minerals gotten therefrom or refuse therefrom shall be deemed to form part of the mine or quarry.

#### Textual Amendments

**F1** Words substituted by virtue of [S.I. 1974/2013](#), [Sch. 2 para. 3](#)

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

**C1** The definition in s. 180(1) applied (E.W.) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#) ss. 89(6), 161(6), 225(2), (with ss. 16(6), 179, 222(3), Sch. 22 para. 1)  
The definition in s. 180(2) applied (E.W.) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), [ss. 89\(6\), 225\(2\)](#), (with ss. 16(6), 179, 222(3), Sch. 22 para. 1)

## 181 Meaning of “owner”.

- (1) Subject to the provisions of this section, in this Act the expression “owner” means, in relation to a mine or quarry, the person for the time being entitled to work it.
- (2) Where the working of a quarry is wholly carried out by a contractor on behalf of the person entitled to work it, the contractor shall, to the exclusion of that person, be taken for the purposes of this Act to be the owner of the quarry.
- (3) Where two or more persons are entitled to work a quarry independently, that one of those persons who is the licensor of the others shall, to the exclusion of the others, be taken for the purposes of this Act to be the owner of the quarry.
- (4) Where the business of a person who, by virtue of the foregoing provisions of this section is, for the purposes of this Act, to be taken to be owner of a mine or quarry is carried on by a liquidator, receiver or manager, or by some other person authorised to carry it on by an order of a court of competent jurisdiction, the liquidator, receiver,

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manager or other person shall be taken for the purposes of this Act to be an additional owner of the mine or quarry.

(5) This section shall, in its application to Scotland, have effect as if, for subsection (3), there were substituted the following subsection:—

“(3) Where two or more persons are entitled to work a quarry independently, and one of them has granted the right so to do to the other or others, that one shall, to the exclusion of the other or others, be taken for the purposes of this Act to be the owner of the quarry.”

## 182 General interpretation provisions.

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

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“central rescue station” has the meaning assigned to it by section seventy-two of this Act;

“contravention” includes, in relation to—

- (a) a provision of this Act, of an order made thereunder or of regulations; 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 [F3the Health and Safety Executive] or an inspector;
- [F4(d) a prohibition or requirement 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]

a failure to comply with the provision, direction, prohibition, restriction, requirement or condition, and the expression “contravene” shall be construed accordingly:

“gas” includes fume or vapour;

“gravity operated rope haulage apparatus” means rope haulage apparatus worked solely by the action of gravity on a vehicle or vehicles attached to a rope forming part of the apparatus;

“gravity operated winding apparatus” means winding apparatus worked solely by the action of gravity on a part of it in which a load is carried;

[F5“health and safety regulations” has the meaning assigned by section 15(1) of the M1Health and Safety at Work etc. Act 1974]

“inset” means, in relation to a shaft or outlet of a mine, a heading, chamber or other space driven or excavated from the shaft or outlet, being a heading, chamber or space to which access can only be had from the shaft or outlet and not being a heading, chamber or space the sole or main purpose of the driving or excavation of which is the getting of minerals or products of minerals;

[F6“inspector” means an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 and references in any provision of this Act to the inspector for the district are references as respects a mine or quarry, to the inspector so appointed for carrying into effect the provisions of the Mines and Quarries Acts 1954 to 1971 in the district in which the mine or quarry is situated;]

“legal proceedings” includes arbitration;

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“mechanically operated rope haulage apparatus” means rope haulage apparatus worked by a stationary engine;

“mechanically operated winding apparatus” means winding apparatus worked by a stationary engine;

“minerals” includes stone, slate, clay, gravel, sand and other natural deposits except peat;

“the Minister” means [<sup>F7</sup>the Secretary of State];

“notice” means a notice in writing;

“parent” means a parent [<sup>F8</sup>of a young person or any person who is not a parent of his but who has parental responsibility for him (within the meaning of the Children Act 1989)], and includes, in relation to any young person, a person having direct benefit from his wages;

“period of employment” means the period (inclusive of the time allowed for meals and rest) within which a person may be employed on any day;

“permitted lights” means, in relation to a mine or a part of a mine, locked safety-lamps and any other means of lighting the use of which below ground in mines generally, in mines of a class to which that mine belongs or in that mine is authorised by regulations [<sup>F9</sup>or health and safety regulations];

“prescribed” has the meaning assigned to it by subsection (5) of section one hundred and forty-one of this Act;

“railway company” means any persons authorised by an enactment to construct, work or carry on a railway . . . <sup>F10</sup>, and for the purposes of this definition the expression “enactment” includes a provision of an order or scheme made under or confirmed by an Act;

“regulations”, “general regulations” and “special regulations” have the meanings respectively assigned to them by subsection (5) of section one hundred and forty-one of this Act;

“responsible person” means, in relation to a mine, the manager thereof and, in relation to a quarry, the owner thereof;

“road” does not include an unwalkable outlet;

“rope” includes chain;

“rope haulage apparatus” means apparatus for transporting loads in vehicles attached to ropes;

“safety-lamp mine” means a mine in no part of which below ground is the use of lamps or lights other than permitted lights lawful;

“safety-lamp part of a mine” means a part of a mine other than a safety-lamp mine, being a part below ground in which either the use of lamps or lights other than permitted lights is unlawful or safety-lamps are for the time being in use by way of temporary precaution;

“sanitary conveniences” includes urinals, water-closets, earth-closets, ash-pits, privies and any similar convenience;

“shaft” means a shaft the top of which is, or is intended to be, at the surface;

“staple-pit” includes winze;

“statutory responsibilities” means responsibilities under this Act, orders made thereunder and regulations;

“support rules” has the meaning assigned to it by subsection (1) of section fifty-four of this Act;

“transport rules” has the meaning assigned to it by subsection (1) of section thirty-seven of this Act;

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“unwalkable outlet” means an outlet which, owing to the gradient thereof or of any part thereof (whether alone or in combination with other circumstances), persons cannot walk up with reasonable convenience;

“week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

“winding apparatus” means, in relation to a mine shaft or staple-pit, apparatus for lowering and raising loads through the shaft or staple-pit;

“woman” means a woman who has attained the age of eighteen;

“young person” means a person who is over compulsory school age but has not attained the age of eighteen.

- (2) For the purposes of this Act mine workings having a common system of ventilation, or any part of a system of ventilation in common, shall be deemed to form part of the same mine.
- (3) For the purposes of this Act—
  - (a) the working of a mine shall be deemed to include the operation of driving a shaft or outlet therefor;
  - (b) the working of a quarry shall be deemed to include the operation of removing overburden thereat;
  - (c) a mine or quarry shall be deemed to be worked notwithstanding that the only operations carried on thereat are operations carried on with a view to abandoning the mine or quarry or for the purpose of preventing the flow therefrom into an adjacent mine or quarry of water or material that flows when wet, but shall not be deemed to be worked by reason only that pumping operations are carried on thereat for the purpose of supplying water to any person.
- (4) References in this Act to the use of safety-lamps by way of temporary precaution shall, in relation to a mine, be construed as references to the occasional or intermittent use of locked safety-lamps by workmen employed below ground in the mine in a place in which the use of naked lights might be dangerous and, in relation to a part of a mine below ground, be construed as references to the occasional or intermittent use of locked safety-lamps by workmen employed in that part in such a place.
- (5) References in this Act to any other enactment shall be construed as references to that enactment as amended, extended or applied by or under any subsequent enactment including, except where the context otherwise requires, this Act.

#### Textual Amendments

- F2** Definition of “bodily injury” repealed by S.I. 1980/804, regs. 11, 12, **Sch. 5 Pt. I**
- F3** Words substituted by virtue of S.I. 1974/2013, **Sch. 2 para. 3**
- F4** Paragraph (d) inserted by S.I. 1974/2013, **Sch. 2 para. 18(a)**
- F5** Definition inserted by S.I. 1974/2013, **Sch. 2 para. 18 (b)**
- F6** Definition substituted by S.I. 1974/2013, **Sch. 2 para. 18 (c)**
- F7** Words substituted by virtue of S.I. 1957/48 (1957 I, p. 1439), 1969/1498, arts. 2(1), 5(6), and 1970/1537, arts. 2(2), 7(4)
- F8** Words in s. 182(1) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5), **Sch. 13 para. 13**; S.I. 1991/828, **art. 3(2)**
- F9** Definition amended by virtue of S.I. 1983/710, **reg. 2** and 1989/635, reg. 33, Sch. 2 Pt. II para. 1(b)
- F10** Words repealed by Transport Act 1962 (c. 46), **Sch. 12 Pt. II**

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**Marginal Citations**

**M1** 1974 c. 37.

**183 Application of Act to training mines.**

- (1) For the purposes of this Act an excavation or system of excavations made for training purposes shall be deemed to be a mine, and the use for those purposes of any premises which are a mine as defined by subsection (1) of section one hundred and eighty of this Act or are, by virtue of this section, deemed to be a mine shall be deemed, for the purposes of this Act, to constitute the working of the mine; but the Minister may by order direct that this Act shall, in its application to any such premises as aforesaid which are used exclusively for training purposes, have effect subject to such exceptions, adaptations and modifications as may be specified in the order.
- (2) In this section the expression “training purposes” means the purposes of instructing or training below ground persons in, or in any work connected with, mining minerals.

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