

SCHEDULES

THIRD SCHEDULE

INQUIRIES INTO FITNESS OF HOLDERS OF CERTIFICATES AND DELIVERY UP AND CUSTODY OF CERTIFICATES IN CONNECTION WITH PROSECUTIONS AND INQUIRIES.

PART I

INQUIRIES INTO FITNESS OF HOLDERS OF CERTIFICATES

- 1 The tribunal holding an inquiry under section one hundred and fifty of this Act shall consist of a person or persons appointed by the Minister, and may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

Modifications etc. (not altering text)

C1 Sch. 3 para. 1 amended by Tribunals and Inquiries Act 1971 (c. 62), s. 7(4), Sch. 1 para. 16

- 2 [^{F1}The Health and Safety Executive] may pay to the persons constituting the tribunal and to any assessor appointed to assist the tribunal such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.

Textual Amendments

F1 Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

- 3 The inquiry shall be public and shall be held at such place as [^{F2}the Health and Safety Executive] may appoint.

Textual Amendments

F2 Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

- 4 [^{F3}The Health and Safety Executive] shall, before the beginning of the inquiry, furnish to the person whose fitness to continue to hold a certificate is to be inquired into a statement of the case on which the inquiry is instituted.

Textual Amendments

F3 Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

- 5 The said person may appear at the inquiry either in person or by counsel, solicitor or agent, and may give evidence and call such witnesses as he thinks fit.

Status: Point in time view as at 01/12/1991.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 I. (See end of Document for details)

- 6 At the conclusion of the inquiry the tribunal shall send to [^{F4}the Health and Safety Executive] a report containing a full statement of the case and the opinion of the tribunal thereon and such report of, or extracts from, the evidence as the tribunal thinks fit.

Textual Amendments

F4 Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

- 7 The tribunal shall, for the purposes of the inquiry, have power—
- (a) to enter and inspect any place or building the entry or inspection of which appears to the tribunal requisite for the said purposes.
 - (b) by summons signed by the tribunal to require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which the tribunal considers it necessary for the purposes of the inquiry to examine;
 - (c) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the tribunal thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person.
 - (d) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;
 - (e) to adjourn the inquiry from time to time; and
 - (f) subject to the foregoing sub-paragraphs, to regulate the procedure of the tribunal.
- 8 A person attending as a witness before the tribunal shall be entitled to be paid by [^{F5}the Health and Safety Executive] such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the tribunal to a master of the Supreme Court who, on request signed by the tribunal, shall ascertain and certify the proper amount of the expenses.

Textual Amendments

F5 Words substituted by virtue of S.I. 1974/2013, Sch. 2 para. 3

- 9 The tribunal may make such orders as it thinks fit respecting the payment of the costs and expenses of the inquiry and any such order shall, on the application of any person entitled to the benefit thereof, be enforceable by a magistrates' court as if the amount ordered to be paid were a sum adjudged to be paid by an order of that court.
- 10 If a person—
- (a) without reasonable excuse (proof whereof shall lie on him) fails, after having the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the tribunal; or
 - (b) does any other thing which would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court;

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the tribunal may, by instrument signed by it, certify the offence of that person to the High Court or, in Scotland, the Court of Session, and the High Court or Court of Session may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court or, as the case may be, the Court of Session.

Status:

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

Changes to legislation:

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