



Mines and Quarries Act 1954

1954 CHAPTER 70

PART XII

GRANT, CANCELLATION AND SUSPENSION OF CERTIFICATES

150 Cancellation or suspension of certificates

- (1) On the conviction of an offence under this Act of the holder of a certificate granted by the Minister under or by virtue of this Act, the court by which he is convicted may, on an application for that purpose made on behalf of the Minister, cancel or suspend the certificate in addition to or instead of imposing any other penalty to which the person convicted may be liable if, having regard to the nature of the offence and the circumstances in which it was committed, the court is of opinion that that person is unfit to continue to hold the certificate:

Provided that the court shall not exercise the power conferred by this subsection unless—

- (a) notice of intention to make an application thereunder has been served on the person convicted at the same time as the service or execution of the summons or warrant issued in pursuance of the information charging him with the offence of which he is convicted ; and
 - (b) the said person has, on pleading to the Charge, been given an opportunity to elect, but has not elected, to have the question of the cancellation or suspension of his certificate inquired into under subsection (3) of this section.
- (2) Where, under the foregoing subsection, a court cancels or suspends a certificate held by a person, he shall have the same right of appeal as if the cancellation or suspension were a sentence passed by the court on his conviction.
- (3) The Minister may, in the case of a person who is the holder of any such certificate as aforesaid with respect to whom a representation is made to the Minister by an inspector or otherwise that that person is, by reason of incompetence or gross negligence or misconduct in the performance of duties of his with respect to a mine or quarry, unfit to continue to hold the certificate, and shall, in the case of a person who is the holder of such a certificate and has made an election under paragraph (b) of the proviso to

Status: This is the original version (as it was originally enacted).

subsection (1) of this section, cause inquiry to be made into the question whether or not he is fit to continue to hold the certificate by a tribunal which shall have power to cancel, or suspend the certificate if it finds that by reason aforesaid or, as the case may be, that having regard to the offence and the circumstances in which it was committed, he is unfit to continue to hold the certificate.

- (4) The provisions of Part I of the Third Schedule to this Act shall have effect with respect to the constitution and procedure of the tribunal holding an inquiry under the last foregoing subsection and with respect to the holding of the inquiry.
- (5) Where, under subsection (1) of this section, an application is made to a court for the cancellation or suspension of a certificate and the holder does not elect under paragraph (b) of the proviso to that subsection to have the question of the cancellation or suspension inquired into under subsection (3) of this section, no inquiry into his conduct shall be held by a tribunal under this section on the same grounds as those considered by the court; and where an inquiry is held by a tribunal under this section into the conduct of the holder of a certificate, no application to a court for the cancellation or suspension of the certificate shall be made under subsection (1) of this section on the same grounds as those considered at the inquiry.
- (6) The Minister may at any time, if it is shown to him to be just so to do, restore a certificate cancelled under this section or shorten the period for which a certificate is suspended thereunder.
- (7) A certificate suspended under this section shall, during the period of suspension, be of no effect.
- (8) The provisions of Part II of the Third Schedule to this Act shall have effect with respect to the delivery up of a certificate to a court or tribunal and with respect to the subsequent proceedings with respect to a certificate so delivered up, and the provisions of Part III of that Schedule shall have effect for the purposes of the application to Scotland of Parts I and II thereof.
- (9) This section shall in its application to Scotland have effect as if in paragraph (a) of the proviso to subsection (1) for the words " or execution of the summons or warrant issued in pursuance of the information " there were substituted the words " of the complaint or indictment ".