



Mining Industry Act 1926

1926 CHAPTER 28 16 and 17 Geo 5

PART VI

MISCELLANEOUS AND GENERAL

20 Power of coal-mining companies to establish profit sharing schemes.

It shall be lawful for any company, being the owner of an undertaking consisting of or comprising coal mines, notwithstanding anything in the^{F1}articles of association] of the company, to establish and carry out a scheme for securing to persons employed by the company a share in the profits of the company.

Textual Amendments

- F1** Words in s. 20 substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 5](#) (with art. 10)

21^{F2}

Textual Amendments

- F2** S. 21 repealed by [Mines and Quarries Act 1954 \(c. 70\)](#), [Sch. 5](#)

22^{F3}

Textual Amendments

- F3** S. 22 repealed by [Coal Industry Act 1949 \(c. 53\)](#), [s. 9\(2\)](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Mining Industry Act 1926, Part VI. (See end of Document for details)

23 **Facilities to be given to Department of Scientific and Industrial Research.** **E** **+W**

(1) Before any person sinks, for the purpose of searching for or getting any minerals, a shaft or borehole intended to reach a depth of more than [^{F4}30.480 metres] below the surface, he shall give to the [^{F5}Natural Environment Research Council] (hereinafter referred to as “the [^{F5}Council]”) notice in writing of his intention to do so, and any person who for such a purpose sinks any such shaft or borehole shall keep a journal thereof, and shall retain for a period of not less than six months such specimens of the strata passed through as may have been obtained in the course of the sinking thereof, either as cores or fragments, and shall allow the [^{F5}Council], or any officer appointed by them, to have free access at all reasonable times to any such shaft, borehole or core, to inspect and take copies of the journals of such shafts or boreholes, to inspect all specimens so obtained and kept, and to take representative specimens of any such cores.

(2) If the person sinking any such shaft or borehole as aforesaid gives notice in writing to the [^{F5}Council] requiring them to treat as confidential any copies of journals or specimens so taken by the [^{F5}Council] or by any officer appointed by them, the [^{F5}Council] shall not allow those copies or specimens to be published or shown to any person not being an officer of the [^{F5}Council], except with the consent of the person sinking such shaft or borehole:

Provided that, if at any time the [^{F5}Council] give notice to any person from whom such consent is required that, in their opinion, his consent is unreasonably withheld, then that person may, within three months after such notice is given, appeal to the [^{F6}High Court] but if at the expiration of that period no such appeal has been made, or if after hearing the appeal the [^{F6}High Court] do not make an order restraining them from doing so, the [^{F5}Council] may proceed as if such consent had been given.

(3) The owner . . . ^{F7} or manager of every mine shall allow the [^{F5}Council] or any officer appointed by them to have free access at all reasonable times to all underground workings, and shall supply to the [^{F5}Council] or to any such officer as aforesaid such information and such specimens of seams or strata sunk through or opened out at the mine as may be reasonably required by the [^{F5}Council].

(4) If any person sinking any shaft or borehole, or the owner, . . . ^{F7} or manager of any mine fails to comply with any obligation imposed on him by the foregoing provisions of this section, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding [^{F8}level 3 on the standard scale].

^{F9}(5) Any officer appointed by the [^{F5}Council] shall have the same rights as to the production and inspection of plans, sections and drawings which, by or by virtue of the ^{M1}Mines and Quarries Act 1954, are required to be kept, as are by that Act conferred on inspectors, and that Act shall apply accordingly.]

^{F10}(6) In subsection (1) above, the expression “minerals” includes petroleum within the meaning of Part I of the Petroleum Act 1998.]

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Mining Industry Act 1926, Part VI. (See end of Document for details)

Textual Amendments

- F4** Words in s. 23(1) substituted (1.1.1995) by S.I. 1991/2531, **art. 2**.
- F5** Words substituted by **Science and Technology Act 1965 (c. 4), Sch. 2**
- F6** Words substituted (E.W.) by virtue of **Railway and Canal Commission (Abolition) Act 1949 (c. 11), s. 1(1)**
- F7** Words repealed by **Mines and Quarries Act 1954 (c. 70), Sch. 5**
- F8** Words substituted by virtue of (E.W.) **Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46**
- F9** S. 23(5) substituted by **Mines and Quarries Act 1954 (c. 70), Sch. 4**
- F10** S. 23(6) inserted (15.2.1999) by 1998 c. 17, s. 50, **Sch. 4 para. 1**; S.I. 1999/161, **arts. 2(1)** (with Sch. 3 para 5(1))

Modifications etc. (not altering text)

- C1** Definition of “minerals” explained by **Petroleum (Production) Act 1934 (c. 36), s. 9**

Marginal Citations

- M1** 1954 c. 70.

23 Facilities to be given to Department of Scientific and Industrial Research. **S**

- (1) Before any person sinks, for the purpose of searching for or getting any minerals, a shaft or borehole intended to reach a depth of more than [^{F13}30.480 metres] below the surface, he shall give to the [^{F14}Natural Environment Research Council] (hereinafter referred to as “the [^{F14}Council]”) notice in writing of his intention to do so, and any person who for such a purpose sinks any such shaft or borehole shall keep a journal thereof, and shall retain for a period of not less than six months such specimens of the strata passed through as may have been obtained in the course of the sinking thereof, either as cores or fragments, and shall allow the [^{F14}Council], or any officer appointed by them, to have free access at all reasonable times to any such shaft, borehole or core, to inspect and take copies of the journals of such shafts or boreholes, to inspect all specimens so obtained and kept, and to take representative specimens of any such cores.
- (2) If the person sinking any such shaft or borehole as aforesaid gives notice in writing to the [^{F14}Council] requiring them to treat as confidential any copies of journals or specimens so taken by the [^{F14}Council] or by any officer appointed by them, the [^{F14}Council] shall not allow those copies or specimens to be published or shown to any person not being an officer of the [^{F14}Council], except with the consent of the person sinking such shaft or borehole:
- Provided that, if at any time the [^{F14}Council] give notice to any person from whom such consent is required that, in their opinion, his consent is unreasonably withheld, then that person may, within three months after such notice is given, appeal to the [^{F15}Court of Session] but if at the expiration of that period no such appeal has been made, or if after hearing the appeal the [^{F15}Court of Session] do not make an order restraining them from doing so, the [^{F14}Council] may proceed as if such consent had been given.
- (3) The owner . . . ^{F16} or manager of every mine shall allow the [^{F14}Council] or any officer appointed by them to have free access at all reasonable times to all underground workings, and shall supply to the [^{F14}Council] or to any such officer as aforesaid such information and such specimens of seams or strata sunk through or opened out at the mine as may be reasonably required by the [^{F14}Council].

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Mining Industry Act 1926, Part VI. (See end of Document for details)

(4) If any person sinking any shaft or borehole, or the owner, . . . ^{F16} or manager of any mine fails to comply with any obligation imposed on him by the foregoing provisions of this section, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding [^{F17}level 3 on the standard scale].

[^{F18}(5) Any officer appointed by the [^{F14}Council] shall have the same rights as to the production and inspection of plans, sections and drawings which, by or by virtue of the ^{M2}Mines and Quarries Act 1954, are required to be kept, as are by that Act conferred on inspectors, and that Act shall apply accordingly.]

[^{F19}(6) In subsection (1) above, the expression “minerals” includes petroleum within the meaning of Part I of the Petroleum Act 1998.]

Extent Information

E2 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

- F13** Words in s. 23(1) substituted (1.1.1995) by S.I. 1991/2531, **art. 2.**
- F14** Words substituted by [Science and Technology Act 1965 \(c. 4\)](#), **Sch. 2**
- F15** Words substituted (S) by virtue of [Railway and Canal Commission \(Abolition\) Act 1949 \(c. 11\)](#), **s. 1(1)**
- F16** Words repealed by [Mines and Quarries Act 1954 \(c. 70\)](#), **Sch. 5**
- F17** Words substituted by virtue of (S) [Criminal Procedure \(Scotland\) Act 1975 \(c. 48, SIF 39:1\)](#), **ss. 289F, 289G**
- F18** S. 23(5) substituted by [Mines and Quarries Act 1954 \(c. 70\)](#), **Sch. 4**
- F19** S. 23(6) added (15.2.1999) by 1998 c. 17, s. 50, **Sch. 4 para. 1**; S.I. 1999/161, **art. 2(1)** (with Sch. 3 para. 5(1))

Modifications etc. (not altering text)

C2 Definition of “minerals” explained by [Petroleum \(Production\) Act 1934 \(c. 36\)](#), **s. 9**

Marginal Citations

M2 [1954 c. 70.](#)

24 ^{F11}

Textual Amendments

F11 S. 24 repealed by [Coal Industry Nationalisation Act 1946 \(c. 59\)](#), **Sch. 4**, [Railway and Canal Commission \(Abolition\) Act 1949 \(c. 11\)](#), **Sch.** and [Mines \(Working Facilities and Support\) Act 1966 \(c. 4\)](#), s. 15, **Sch. 1**

25 ^{F12}

Textual Amendments

F12 S. 25 repealed by [Coal Industry Nationalisation Act 1946 \(c. 59\)](#), **Sch.**

Status: Point in time view as at 01/10/2009.

*Changes to legislation: There are currently no known outstanding effects
for the Mining Industry Act 1926, Part VI. (See end of Document for details)*

26 Short title and extent.

- (1) This Act may be cited as the Mining Industry Act 1926.
- (2) This Act shall not extend to Northern Ireland.

Status:

Point in time view as at 01/10/2009.

Changes to legislation:

There are currently no known outstanding effects for the Mining Industry Act 1926, Part VI.