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STATUTORY INSTRUMENTS

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**1974 No. 2013**

**The Mines and Quarries Acts 1954 to 1971  
(Repeals and Modifications) Regulations 1974**

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Mines and Quarries Acts 1954 to 1971 (Repeals and Modifications) Regulations 1974 and shall come into operation on 1st January 1975.

(2) The Interpretation Act 1889 shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

*Repeals and modifications—The Mines and Quarries Acts 1954 to 1971*

2.—(1) In the Mines and Quarries Act 1954 (“the 1954 Act”)—

- (a) the provisions mentioned in column 1 of Part I of Schedule 1 to these Regulations are hereby repealed to the extent specified in column 2 of that Part; and
- (b) the provisions mentioned in Part I of Schedule 2 to these Regulations shall have effect subject to the modifications specified in that Part.

(2) In the Mines and Quarries (Tips) Act 1969 (“the 1969 Act”)—

- (a) the provisions mentioned in column 1 of Part II of Schedule 1 to these Regulations are hereby repealed to the extent specified in column 2 of that Part; and
- (b) the provisions mentioned in Part II of Schedule 2 to these Regulations shall have effect subject to the modifications specified in that Part.

(3) In the Mines Management Act 1971 (“the 1971 Act”)—

- (a) the provisions mentioned in column 1 of Part III of Schedule 1 to these Regulations are hereby repealed to the extent specified in column 2 of that Part; and
- (b) the provisions mentioned in Part III of Schedule 2 to these Regulations shall have effect subject to the modifications specified in that Part.

*Revocations and Modifications—instruments under the 1954 to 1971 Acts*

3. The Mines and Quarries (Draft Regulations) Rules 1956(1) are hereby revoked.

4.—(1) In Regulation 5 of the Coal and Other Mines (Precautions against Inrushes) Regulations 1956(2), the words from “except” to the end of the Regulation are hereby revoked.

(2) Regulation 41(2) of the Miscellaneous Mines (General) Regulations 1956(3) shall have effect as if the reference to the Secretary of State were a reference to an inspector.

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(1) (1956 I, p. 1456).  
(2) (1956 I, p. 1393).  
(3) (1956 I, p. 1236).

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(3) Regulation 5(8) of the Mines (Medical Examinations) Regulations 1964<sup>(4)</sup> shall have effect as if the reference to the Secretary of State were a reference to the authority responsible for maintaining the employment medical advisory service.

5. Any reference in a provision of a statutory instrument made under the 1954 Act or under the 1954 Act and the 1969 Act, not being a provision mentioned in Regulation 4(2) or (3) of these Regulations, to the Secretary of State shall, except where the context otherwise requires, have effect as if it were a reference to the Health and Safety Executive.

#### *References to Inspectors*

6. References in any provision of an enactment, instrument or other document to any of the following, that is to say:—

- (a) an inspector appointed under the 1954 Act;
- (b) the inspector for the district; and
- (c) the chief inspector of mines,

shall, except where the context otherwise requires, or where the reference is otherwise expressly amended, be construed as references respectively to—

- (a) an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act; and
- (b) as respects a mine or quarry, the inspector so appointed for carrying into effect the provisions of the 1954 Act, the 1969 Act and the 1971 Act in the district in which the mine or quarry is situated;
- (c) the inspector so appointed who is authorised to act for the purposes of the provision in question.

#### *Supplemental*

7.—(1) These Regulations shall not affect the validity of anything done under any provision of an enactment or instrument repealed or modified by these Regulations before the coming into operation of these Regulations; and anything which, at the coming into operation of these Regulations, is in process of being done for the purposes of that provision (including in particular any legal proceedings) by or in relation to—

- (a) an inspector appointed under the 1954 Act;
- (b) the inspector for the district;
- (c) the chief inspector of mines; or
- (d) the Secretary of State,

may so far as may be necessary for the purposes, or in consequence of, the provisions of these Regulations, be continued, respectively, by or in relation to—

- (a) an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act;
- (b) as respects a mine or quarry, the inspector so appointed for carrying into effect the provisions of the 1954 Act, the 1969 Act and the 1971 Act in the district in which the mine or quarry is situated;
- (c) the inspector so appointed who is authorised to act for the purpose of the provision in question;

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(4) (1964 I, p. 387).

(d) the Health and Safety Executive.

(2) Without prejudice to paragraph (1) of this regulation, any certificate, exemption, consent, approval, authority, direction, requirement, prohibition or restriction granted, given or imposed for the purposes of any provision modified by these Regulations and in force at the coming into operation of these Regulations shall continue in force as if granted, given or imposed in accordance with that provision as so modified.

(3) Except as provided in regulation 3 of these Regulations, regulations, rules and orders made or having effect under any provision repealed by these Regulations and in force immediately before the coming into operation of these Regulations shall continue in force notwithstanding the repeal of that provision.

(4) Where any of the provisions repealed or modified by these Regulations prescribes a penalty for an offence of any kind, that penalty shall, notwithstanding these Regulations, continue to apply to offences of that kind committed before 1st January 1975.

*Eric Varley*  
Secretary of State for Energy

*Michael Foot*  
Secretary of State for Employment

3rd December 1974