1980 No. 333

HEALTH AND SAFETY

MINES AND QUARRIES

Mines and Quarries (Repeals and Modifications) Regulations (Northern Ireland) 1980

Made	*2nd October 1980*
Coming into operation . . .	*1st December 1980*

The Department(**a**) of Commerce, in exercise of the powers conferred on it by Articles 17(1) and (3)(*a*) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling it in that behalf, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Mines and Quarries (Repeals and Modifications) Regulations (Northern Ireland) 1980 and shall come into operation on 1st December 1980.

(2) In these regulations—

"the Order of 1978" means the Health and Safety at Work (Northern Ireland) Order 1978;

"the Act of 1927" means the Quarries Act (Northern Ireland) 1927(**c**);

"the Act of 1969" means the Mines Act (Northern Ireland) 1969(**d**).

Repeals and modifications – Acts

2.—(1) The provisions of the Act of 1927 and the Act of 1969 specified in Schedule 1 are hereby repealed to the extent specified in that Schedule.

(2) The provisions of the Act of 1969 specified in Schedule 3 shall have effect subject to the modifications specified in that Schedule.

Revocations – Instruments

3. The provisions of the instruments specified in Schedule 2 are hereby revoked to the extent specified in that Schedule.

Modifications – Regulations

4.—(1) Regulation 42(2) of the Miscellaneous Mines (General) Regulations (Northern Ireland) 1970(**e**) shall have effect as if the reference to the Department were a reference to an inspector.

(2) Regulation 4(7) of the Mines (Medical Examinations) Regulations (Northern Ireland) 1970(**f**) shall have effect as if the reference to the Department were a reference to the Department of Manpower Services.

(**a**) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(**b**) S.I. 1978/1039 (N.I. 9) — brought into operation by S.R. 1978 No. 384 (C. 21) (II, p. 1421)
(**c**) 1927 c. 19 (N.I.)
(**d**) 1969 c. 6 (N.I.)
(**e**) S.R. & O. (N.I.) 1970 No. 104 (p. 488)
(**f**) S.R. & O. (N.I.) 1970 No. 122 (p. 580)

References to inspectors of mines and quarries

5. References in a statutory provision to—

(*a*) an inspector appointed under the Act of 1927;

(*b*) an inspector appointed under the Act of 1969; or

(*c*) the chief inspector appointed under the Act of 1969,

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

(*a*) an inspector appointed by the Department of Commerce under Article 21 of the Order of 1978 for carrying into effect the provisions of the Act of 1927;

(*b*) an inspector so appointed by the Department of Commerce for carrying into effect the provisions of the Act of 1969; or

(*c*) the inspector so appointed who is authorised to act for the purposes of the provision in question.

Supplemental

6.—(1) These regulations shall not affect the validity of anything done under any statutory provision 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 Act of 1927;

(*b*) an inspector appointed under the Act of 1969; or

(*c*) the chief inspector appointed under the Act of 1969,

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

(*a*) an inspector appointed by the Department of Commerce under Article 21 of the Order of 1978 for carrying into effect the provisions of the Act of 1927;

(*b*) an inspector so appointed by the Department of Commerce for carrying into effect the provisions of the Act of 1969; or

(*c*) an inspector so appointed who is authorised to act for the purpose of the provision in question.

(2) Without prejudice to paragraph (1), 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 by regulation 3, instruments made or having effect under any provision repealed or revoked by these regulations and in force immediately before the coming into operation of these regulations shall continue in force notwithstanding the repeal or revocation of that provision.

(4) Where any of the provisions 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 December 1980.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 2nd October 1980.

(L.S.) *J. D. M. Thompson*
Assistant Secretary

SCHEDULE 1 Regulation 2(1)

Repeals

Chapter	*Short Title*	*Extent of Repeal*
1927 c. 19 (N.I.)	Quarries Act (Northern Ireland) 1927	Sections 6, 10(1)(*a*) to (*d*) and (3), 11(3) and (4), 12, 13, 14, 15(1), 20, 21 and 22(3) and (4).
1969 c. 6 (N.I.)	Mines Act (Northern Ireland) 1969	Sections 4(4), 12(2), 21, 22(4), 23(2)(*a*), 26, 27, 29, 31(3), 32, 34(2), 35(1)(*a*) and (2) to (4), 38.
		In section 39(1)(i), the words from "provision may be made" to "regulations apply, and".
		In section 42(4), the words "subject to any exceptions for which provision may be made by regulations" and the words from "and regulations may provide" onwards.
		In section 45(1), the words from "and provision may be made" onwards and subsection (2).
		Sections 47, 49(2) and (3) and 50.
		In section 51(1), the words "subject to any exceptions for which provisions may be made by regulations".
		In section 55(2), the words from "and regulations may provide" onwards.
		Section 57.
		In section 60, subsection (2) and in subsection (3) the words "or of regulations having effect by virtue of," and the words from "and regulations" onwards.
		Sections 62(3)(*c*) and (4), 63, 68, 69(1) and (2), 70(4), 71, 72, 74(3), 78, 81(2), 84(2), 91(2) and 92.
		In section 95(1), the words from "and provision may be made" onwards.
		Sections 96, 100, 101, 103, 104, 106(3), 107 and 117.
		In section 120, subsections (1) to (4) and in subsection (5) the words from "in the provisions" to "repealed by this Act".
		Sections 121, 123, 124 and 125.
		In section 133(1), the words "for which no express penalty is provided".
		Section 139.