

UNEDITED

The Mine Regulation Act

being

Chapter 340 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 340

An Act to regulate the Working of Certain Mines

SHORT TITLE

Short title

1 This Act may be cited as *The Mines Regulation Act*.

R.S.S. 1953, c.340, s.1.

INTERPRETATION

Interpretation

2 In this Act:

“agent”

1 “**agent**” means a person having, on behalf of the owner, care or direction of a mine or any part thereof, and includes a manager and a superintendent;

“mine”

2 “**mine**”, when used as a noun, includes any opening or excavation in, or working of, the ground for the purpose of winning, opening up or proving any mineral, or of gaining or winning the same, and also includes a quarry, excavation or opening in the ground made for the purpose of searching for or removing mineral, soil, earth, rock, quartz, stone or clay, and all ways, works, engines, machinery, plant, buildings, furnaces, roast yards and premises below or above ground used in connection with a mine;

“mine”, “mining”

3 “**mine**”, where used as a verb, or “**mining**” includes any mode or method of working whatsoever whereby the soil or earth or any rock, stone or clay, may be disturbed, removed, carted, carried, washed, sifted, roasted, smelted, refined, crushed or otherwise dealt with for the purpose of obtaining any mineral therefrom, whether the same may have been previously disturbed or not;

“mineral”

4 “**mineral**” includes all minerals and mineral bearing and base, other than coal, petroleum oil and natural gas, and all combinations thereof, including gold, silver, rare and precious metals or stones, copper, iron, time and all other metals whatsoever, salt, limestone, granite, slate, marble and other quarriable stone, gypsum, clay, marl and volcanic ash, and any other substance which may from time to time be declared by the Lieutenant Governor in Council to be a “mineral” within the meaning of this Act.

“minister”

5 “minister” means the Minister of Mineral Resources;

“owner”

6 “owner” includes a lessee or occupier of a mine or any part thereof but does not include a person who merely receives a royalty, rent or fine therefrom, or is merely the proprietor subject to a lease, grant or licence for the working thereof, or is the owner of the soil but has no interest in the minerals.

R.S.S. 1940, c.271, s.2; 1953, c.101, s.2; R.S.S.
1953, c.340, s.2.

DUTIES OF OWNERS AND AGENTS

Admission of inspectors to mines

3 Every owner of a mine and every agent of such owner to mines shall admit an inspector, on exhibition of a certificate of his appointment, for the purpose of making an inspection of the mine. The inspector shall not unnecessarily obstruct the working of the mine.

R.S.S. 1940, c.271, s.3; R.S.S. 1953, c.340, s.3.

Reports to minister

4 Every owner of a mine and every agent of such owner shall furnish the minister with such reports and statements as are required by the regulations.

R.S.S. 1940, c.271, s.4; R.S.S. 1953, c.340, s.4.

Plans of mines to be kept

5 Subject to section 7, every owner of a mine or his agent shall keep in the office of the mine, or in the principal office of the mines belonging to the same owner in the district in which the mine is situated, an accurate plan of the workings of the mine, showing the workings up to at least three months previously.

R.S.S. 1940, c.271, s.5; R.S.S. 1953, c.340, s.5.

Production of plans to inspector

6 The owner of a mine or his agent shall, upon demand, produce such plan to an inspector at one of the said offices and shall, if requested by the inspector, mark on the plan the progress of the workings of the mine up to the time of its production, and shall allow the inspector to examine the same.

R.S.S. 1940, c.271, s.6; R.S.S. 1953, c.340, s.6.

Application of sections 5 and 6

7 Sections 5 and 6 apply only to a mine in which more than twelve persons are ordinarily employed below ground.

R.S.S. 1940, c.271, s.7; R.S.S. 1953, c.340, s.7.

Fencing of abandoned mines

8 Where a mine is abandoned or the working thereof is discontinued, the owner or his agent shall immediately cause the top of the shaft, if any, to be securely fenced for the prevention of accidents, and shall see that it is kept so fenced.

R.S.S. 1940, c.271, s.8; R.S.S. 1953, c.340, s.8.

Plans of abandoned mines to be sent to minister

9 Where a mine in which more than twelve persons have ordinarily been employed below ground is abandoned, the owner or agent at the time of the abandonment shall, within three months thereafter, send to the minister an accurate plan, on a scale of not less than thirty feet to the inch, or on the scale of the plan used in the mine at the time of the abandonment, showing the boundaries of the workings of the mine up to the time of the abandonment. No person except an inspector shall be entitled, without the consent of the owner or agent, to see the plan until after the lapse of ten years from the time of abandonment.

R.S.S. 1940, c.271, s.9; R.S.S. 1953, c.340, s.9.

INSPECTORS AND THEIR DUTIES

Appointment

10 The Public Service Commission may appoint an inspector or inspectors of mines under this Act.

R.S.S. 1940, c.271, s.10; R.S.S. 1953, c.340, s.10.

Enforcement of Act and regulations

11 It shall be the duty of an inspector to enforce the provisions of this Act and the regulations.

R.S.S. 19W, c.271, s.11; R.S.S. 1953, c.340, s.11.

Periodical inspections and reports

12(1) All mines shall be subject to such periodical inspection as the minister directs and the inspector shall, forthwith after making an inspection, report in writing to the minister upon:

- (a) the condition of the hoisting machinery, engines, boilers, whims, cages, cars, buckets, ropes and cables in use in the mine;
- (b) the appliances used for extinguishing fires;
- (c) the manner and method of working and timbering the shafts, drifts, inclines, stopes, winzes, tunnels and upraises through which persons pass while engaged in their daily labours;
- (d) the condition of all exits from the mine;
- (e) the ventilation and sanitary conditions of the mine;
- (f) the storage of explosives and other inflammable things;
- (g) the system of signals used in the mine.

(2) The inspector shall forthwith post a copy of his report or cause the same to be posted in some conspicuous place at or near the mine.

R.S.S. 1940, c.271, s.12; R.S.S. 1953, c.340, s.12.

Special inspections

13 An inspector may make an inspection of any mine when he deems it expedient to do so and he shall forthwith after making an inspection furnish the minister with a written report thereon.

R.S.S. 1940, c.271, s.13; R.S.S. 1953, c.340, s.13.

Duties with respect to dangerous things and practices

14(1) If an inspector finds any matter, thing or practice in or connected with a mine to be dangerous or defective, he shall forthwith give written notice thereof to the owner of the mine or his agent, stating the particulars in which he considers the matter, thing or practice to be dangerous or defective, and he shall order the same to be remedied within a time to be stated in the order.

(2) The inspector shall forthwith post a copy of the notice and order or cause the same to be posted in some conspicuous at or near the mine.

R.S.S. 1910, c.271, s.14; R.S.S. 1953, c.340, s.14.

Appeal to minister from order of inspector

15(1) The owner or his agent may, within seven days after receipt of such order, appeal therefrom to the minister, who may rescind, confirm or vary the order; and the decision of the minister shall be final and shall not be subject to review.

(2) If the minister confirms or varies the order he shall fix a time within which the order, or the order as varied, shall be complied with.

R.S.S. 1940, c.271, s.15; R.S.S. 1953, c.340, s.15.

Failure of owner or agent to comply with order

16(1) If the owner or his agent fails to comply with the order of an inspector within the time specified therein or, in case of an appeal, within the time specified by the minister under subsection (2) of section 15, such owner or agent is guilty of an offence and liable on summary conviction to a fine of not less than \$100 nor more than \$1,000.

(2) The imposition of a fine for failure to comply with the order of an inspector or the minister shall not relieve the person in default from compliance with the order; but he shall be liable on summary conviction to a further fine of not less than \$1 nor more than \$10 for each day after the first fine is imposed until he has complied with the order.

R.S.S. 1940, c.271, s.16; R.S.S. 1953, c.340, s.16.

Accidents

17(1) On receipt of notice of an accident in a mine which has caused loss of life or serious personal injury to any person, an inspector shall forthwith inquire into the cause of the accident and report thereon in writing to the minister.

(2) The minister may at any time direct an inspector to make a special inquiry and report with respect to any accident in a mine which has caused loss of life or serious personal injury to any person and may cause any such report to be made public at such time and in such manner as he deems expedient.

(3) For the purposes of an inquiry under this section the inspector shall have the power directly of summoning witnesses before him and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the inspector deems requisite.

R.S.S. 1940, c.271, s.17; R.S.S. 1953, c.340, s.17.

Inspector to keep information secret

18 Except in so far as the duty of an inspector requires information him to report upon or take official action respecting a mine, he shall not reveal any information with regard to chutes or bodies of ore or the location, course or character of underground workings, or give any information or opinion respecting any mine, obtained or formed by him in making an inspection; and if he does so he shall be removed from office and is guilty of an offence and liable on summary conviction to a fine of not less than \$100 nor more than \$1,000.

R.S.S. 1940, c.271, s.18; R.S.S. 1953, c.340, s.18.

REGULATIONS

Powers of Lieutenant Governor in Council

19 The Lieutenant Governor in Council may make such regulations not inconsistent with this Act as are necessary to carry out its provision; according to their obvious intent or to meet cases which may raise and for which no provision is made and, without restricting the generality of the foregoing, provision may make regulations governing:

- (a) the protection of workmen engaging in and about mines, including the care and use of explosives the safety of cranes and all hoisting and lowering equipment, fire prevention and fire fighting appliances, the installation of proper ventilation and sanitary conveniences, the provision of suitable dressing rooms and the equipment to be kept for and means of furnishing aid to injured persons;
- (b) the age and sex of persons who may be employed in or about a mine;
- (c) the inspection of mines and mine works and the fees payable for inspection;
- (d) the fencing of, and other safety precautions to be observed in connection with, unworked mines which may be closed down;
- (e) the imposition of penalties for breach of the regulations, except those made under clause (a);
- (f) the reports and statements to be furnished by owners of mines and their agents.

R.S.S. 1940, c.271, s.19; R.S.S. 1953, c.340, s.19.

OFFENCES, PENALTIES AND PROSECUTIONS

Offences and penalty

20 Every person who:

- (a) pulls down, injures or defaces any regulation, rule, order or notice posted up by or on behalf of an inspector or the owner of a mine or his agent or
- (b) obstructs and inspector in the execution of his duty; or
- (c) being the owner of a mine or the agent of such owner, refuses or neglects to furnish to an inspector the facilities necessary for making an entry, inspection, examination or inquiry in relation to the mine; or
- (d) violates any of the provisions of this Act or the regulations for violation of which no other penalty is provided; or
- (e) attempts to do any of the above mentioned acts;

is guilty of an offence and liable on summary conviction to a fine of not less than \$10 nor more than \$100, and in case of a continuing offence shall be liable on summary conviction to a fine of \$5 for each day upon which the offence continues.

R.S.S. 1940, c.271, s.20; R.S.S. 1953, c.340, s.20.

Offences against certain regulations

21(1) Every owner of a mine and every agent of such owner who violates any of the regulations made under clause (a) of section 19 is guilty of an offence and liable on summary conviction to a fine of not less than \$100 nor more than \$1,000.

(2) Every person, other than an owner or his agent, engaged or employed in or about a mine who violates any of the regulations mentioned in subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than \$10 nor more than \$100.

R.S.S. 1940, c.271, s.21; R.S.S. 1953, c.340, s.21.

Imprisonment in default of payment of penalty

22 Every owner of a mine and every agent of such owner, shall upon conviction be liable to imprisonment for a period not exceeding three months unless the fine and costs are sooner paid, and every person, other than an owner or his agent, shall upon conviction be liable to imprisonment for a period not exceeding one month unless the fine and costs are sooner paid.

R.S.S. 1940, c.271, s.22; R.S.S. 1953, c.340, s.22.

Offence endangering life

23 Where the offence is one which, in the opinion of the convicting magistrate or justice of the peace, might have endangered the safety of those employed in or about a mine and was committed wilfully by the personal act default or negligence of the accused, he shall, in addition to or in substitution for any fine which may be imposed, be liable to imprisonment for a period not exceeding three months.

R.S.S. 1940, c.71, s.23; R.S.S. 1953, c.340, s.23.

Institution of prosecutions

24 Prosecutions for an offence by the owner of a mine or his agent against this Act or the regulations shall be instituted by an inspector.

R.S.S. 1940, c.271, s.24; R.S.S. 1953, c.340, s.24.

Limitations of prosecutions

25 Every prosecution for an offence against this Act or the regulations shall be commenced within six months after the commission of the offence.

R.S.S. 1940, c.271, s.25; R.S.S. 1953, c.340, s.25.

AFFIDAVITS AND DECLARATIONS**Administration**

26 Affidavits and declarations made under the provisions of this Ad may be administered an inspector or any person authorized to administer an oath or declaration.

R.S.S. 1940, c.271, s.26; R.S.S. 1953, c.340, s.26.