

No. 2 of 1896.

**An Ordinance to provide for the regulation and inspection
of Mines and Machinery.**

(As amended by No. 28 of 1908, No. 11 of 1914, and No. 25 of 1918.)

WHEREAS it is expedient to provide for the regulation
and inspection of mines and machinery and for the
safety of persons employed in working mines and machinery
in this Colony : Be it therefore enacted by the Governor of
Ceylon, by and with the advice and consent of the Legislative
Council thereof, as follows :

Preamble.

Mines and Machinery.

- Short title. 1 This Ordinance may be cited as "The Mines and Machinery Protection Ordinance, 1896," and shall come into operation at such time as the Governor shall, by Proclamation* in the *Government Gazette*, appoint.
- Commencement.
- Definition : 2 In this Ordinance—
- " Mine." " Mine " means every mine opened, worked, or used for the purpose of searching for or obtaining minerals of every description other than those to which Ordinance No. 5 of 1890 applies, and slate, talc, and all other materials obtained by mining, and includes all shafts, levels, planes, works, machinery, tramways, and sidings, both below and above ground, which may be sunk, driven, erected, or constructed in and adjacent to any such mine.
- " Shaft." " Shaft " includes pit.
- "To open, work, or use a mine." " To open, work, or use a mine " means and includes the sinking of any shaft, or the driving of any level or inclined plane, or any act whatsoever whereby the soil or earth, or any rock, stone, quartz, or talc in or under any land, is disturbed, removed, carted, carried, washed, sifted, or otherwise dealt with for the purpose of searching for or obtaining minerals, slate, talc, or other materials therefrom.
- " Factory." " Factory " includes every factory, store, workshop, and building in which machinery of any kind is moved by steam, water, electricity, or other mechanical power.
- " Inspector." " Inspector " includes every person appointed to inspect mines and factories.
- " Person." " Person " includes any association or body of persons, whether incorporated or not.
- Power of Assistant Government Agent to exercise powers of Government Agent.*
[§ 2, 28 of 1908.] 2 A *An Assistant Government Agent shall, with regard to mines and factories in his district, have the powers and duties by this Ordinance assigned to the Government Agent, and all declarations, reports, intimations, and notices required by this Ordinance or by any rules made thereunder to be made or given to the Government Agent shall, in the case of such mines and factories, be made or given to the Assistant Government Agent.*
- Notice of intention to open mine.*
[§ 2, 11 of 1914.] 3 (1) *If any person intends to open, work, or use any mine, he shall, one calendar month before commencing to open, work, or use such mine, furnish the Government Agent of the province within which such mine is situated with a declaration in writing containing the following particulars :*
- (a) *The name and boundaries of the land in which the mine is to be opened, worked, or used ;*

* Proclaimed from July 1, 1896, by Proclamation dated June 15, 1896, in *Government Gazette* No. 5,413 of June 19, 1896.—*Edd.*

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(b) *The nature of the right of the applicant to open, work, or use the mine on such land ; and*

(c) *The name or names and residence or residences of himself and of the person or persons under whose management or superintendence the mine is intended to be opened, worked, or used.*

(2) *If such person ceases to have an interest in such mine, or if any person or persons other than those named in the declaration shall be entrusted with the management or superintendence of such mine, such person shall forthwith make a further declaration thereof to the Government Agent.*

4 The Governor, with the advice of the Executive Council, shall from time to time make, and when made may alter, amend, or cancel rules for—

Governor to
make rules.

(a) Inspecting and examining into the state and condition, and ensuring the due ventilation, of any mine or any part thereof ;

(b) Regulating all matters and things connected with or relating to the safety of the persons employed in or about any mine or factory, or connected with or relating to the fencing of machinery in, or attached to, any such mine or factory ;

(c) *Keeping mines, factories, and their surroundings in a clean and sanitary condition.* [§ 3, 11 of 1914.]

(d) The issuing of notices to the owners, superintendents, managers, or persons in charge of any mine or factory, calling upon them to execute any work for any of the above purposes ;

(e) The appointment of an Inspector or Inspectors of Mines and Factories ;

(f) Imposing restrictions on the cleaning of machinery while in motion ;

(g) Imposing restrictions on the working of women and children between the fixed and traversing parts of any self-acting machine while such machinery is in motion ;

(h) *The reporting to the Government Agent of the province, and to the Inspector of Mines and Factories, by the owner, superintendent, manager, or person in charge of any mine or factory, of any loss of life or any personal injury to any person employed in any mine or factory by reason of any accident or mishap at such mine or factory ; and* [§ 4, 11 of 1914.]

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[§ 2, 25 of 1918.] (i) *The holding of inquiries and investigations with respect to such accidents or mishaps, the enforcement of the attendance of witnesses thereat, and the production of papers, the persons by whom the costs of such inquiries and investigations are to be paid, and the manner of enforcing such payment.*

[§ 2, 25 of 1918.] (j) Any other purpose necessary for carrying out the several provisions of this Ordinance.

Proviso. Provided that no such rules or alterations, amendments, or cancellation thereof, shall have effect until the same are duly published in the *Government Gazette*.

Rules to be laid before Legislative Council. 5 All rules made under this Ordinance by the Governor, with the advice of the Executive Council, shall be laid before the Legislative Council within one month of the commencement of the session next after the making of such rules, and shall cease to have force or effect if disapproved by the Council within two months of being so laid on the table.

Penalties. 6 Any person who shall open, work, or use a mine before furnishing the declaration required by sub-section (1) of section 3, or in breach of, or in any way contrary to, the provisions of this Ordinance or of any rules made under section 4, or who shall fail to furnish the further declaration required by sub-section (2) of section 3, and any person who shall hinder or obstruct any Inspector when inspecting any mine or factory, or the machinery of any such mine or factory, under the provisions of this Ordinance or of any rule made thereunder, and any person who shall refuse or neglect to execute any work after receiving notice in writing in that behalf, and any person who shall keep any mine or factory in an insanitary state or condition, or without insuring the due ventilation thereof, and any person who shall commit any breach of any of the rules made under this Ordinance, shall be guilty of a *summary offence*, and be liable on a first conviction to a fine not exceeding *five hundred rupees*, or to rigorous imprisonment for a term not exceeding three months, or both; and on every subsequent conviction to a fine not exceeding *one thousand rupees*, or to rigorous imprisonment for a term not exceeding six months, or both.

[§ 3, 25 of 1918.]

Prosecution when barred. 7 No prosecution shall be entertained for any offence under this Ordinance unless the same is instituted within *one year* from the date of the commission of the offence.

4, 25 of 1918.]

former's are.

8 It shall be lawful to the court imposing a fine under the provisions of this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

7th February, 1896.