



Mines Act (Northern Ireland) 1969

1969 CHAPTER 6

PART XI

REGULATION OF TIPS AND FENCING OF ABANDONED AND DISUSED MINES

128 Regulation of tips.

- (1) Regulations may make such provision as appears to the Ministry to be necessary or expedient for the purpose of ensuring that every tip, being an active tip or a closed tip, is made and kept secure.
- (2) Regulations made under this section may contain such incidental and supplementary provisions as appear to the Ministry to be appropriate, and may in particular provide for the application, in relation to tips of any class to which the regulations apply, of any of the provisions of this Act, with or without modifications, and for any amendments of this Act which are consequential on those provisions.

(3) In this section—

“tip” means an accumulation or deposit of refuse from a mine (whether in a solid state or in solution or suspension) other than an accumulation or deposit situated underground, and where any wall or other structure retains or confines a tip then, whether or not that wall or structure is itself composed of refuse, it shall be deemed to form part of the tip for the purposes of this Act;

“active tip” means a tip on premises which are deemed to form part of a mine by virtue of section 156(4);

“closed tip” means a tip not on such premises, where the mine with which the tip is associated has not been abandoned and the entirety or any part of the premises on which the tip is situated continues to be occupied exclusively by the owner of that mine.

129 Fencing of abandoned and disused mines.

- (1) It shall be the duty of the owner of every abandoned mine and of every mine which, notwithstanding that it has not been abandoned, has not been worked for a period of

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Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969, PART XI. (See end of Document for details)

twelve months to secure that the surface entrance to every shaft or outlet thereof is provided with an efficient enclosure, barrier, plug or other device so designed and constructed as to prevent any person from accidentally falling down the shaft or from accidentally entering the outlet and that every device so provided is properly maintained; but this subsection shall not apply to mines which have not been worked for the purpose of getting minerals or products thereof since 9th August, 1872, being mines other than of coal, stratified ironstone, shale or fireclay.

- (2) For the purposes of section 107 of the Public Health (Ireland) Act, 1878 , each of the following shall be deemed to be a nuisance liable to be dealt with summarily in manner provided by that Act, that is to say:—
- (a) a shaft or outlet of an abandoned mine (other than a mine excepted from the application of subsection (1)) or of a mine (other than as aforesaid) which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months, being a shaft or outlet the surface entrance to which is not provided with a properly maintained device such as is mentioned in that subsection;
 - (b) a shaft or outlet of a mine excepted from the application of subsection (1), being a shaft or outlet with respect to which the following conditions are satisfied, namely,—
 - (i) that its surface entrance is not provided with a properly maintained device such as is mentioned in that subsection; and
 - (ii) that, by reason of its accessibility from a highway or a place of public resort, it constitutes a danger to members of the public.
- (3) Any expenses incurred, by reason of the operation of sections 107 to 127 of the Public Health (Ireland) Act 1878 , by a person other than the owner (as defined for the purposes of this Act) of a mine for the purpose of abating, or preventing the recurrence of, a nuisance under subsection (2) or in reimbursing a sanitary authority^{F1} in respect of the abatement, or prevention of the recurrence, of such a nuisance shall, subject to any agreement to the contrary, be recoverable by that person from the owner (as so defined) of the mine.

F1 [1878 c.52](#) by SRO (NI) 1973/285

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