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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 427**

**The Mines Regulations (Northern Ireland) 2016**

**PART 8**

**TIPS AND TIPPING**

**General duty to ensure safety of tips**

**60.** The mine operator shall ensure that tips are designed, constructed, operated and maintained so as to ensure that—

- (a) instability; or
- (b) movement,

which is likely to give rise to a risk to the health and safety of any person is avoided.

**Appraisal of tips**

**61.**—(1) The mine operator shall ensure that—

- (a) a suitable appraisal of all existing or proposed tips at the mine is undertaken by a competent person in order to determine whether any such tip is or, in the case of a proposed tip, would be, a significant hazard;
- (b) any significant findings made during the appraisal are recorded; and
- (c) the record is made available to each employer of persons at the mine.

(2) Where the person undertaking the appraisal concludes that the tip presents no significant hazard, the mine operator shall ensure that a competent person carries out further appraisals—

- (a) at appropriate intervals;
- (b) whenever there is any reason to suspect that there has been or will be a significant change to—
  - (i) the matters to which the appraisal relates; or
  - (ii) any neighbouring land which may be affected by movement by or instability of the tip to which the appraisal relates; and
- (c) whenever there is any reason to doubt the validity of the conclusion of the current appraisal.

(3) Where the person undertaking the appraisal concludes that the tip represents a significant hazard, the mine operator shall ensure that a geotechnical assessment is carried out in accordance with the requirements of regulation 62 as soon as is reasonably practicable.

**Geotechnical assessments**

**62.**—(1) For the purposes of this Part—

- (a) “geotechnical assessment” means an assessment carried out by a geotechnical specialist identifying and assessing all factors liable to affect the stability and safety of a proposed or existing tip; and
  - (b) “geotechnical specialist” means a person who is suitably qualified and competent to perform a geotechnical analysis to determine the hazard and risk arising from the tip being assessed.
- (2) As part of the geotechnical assessment, the geotechnical specialist shall—
- (a) prepare or consider (as appropriate) the documents and particulars specified in Schedule 2; and
  - (b) consider the tips rules.
- (3) A geotechnical assessment shall include the geotechnical specialist’s conclusions on the following, together with reasons—
- (a) the safety and stability of the tip, including whether the tip represents a significant hazard by way of instability or movement;
  - (b) where appropriate, whether any remedial work is required in relation to the tip and the date by which such work shall be completed; and
  - (c) where appropriate, the date by which the next geotechnical assessment should take place, provided that, in the case of a tip that represents a significant hazard by way of instability or movement, that date is not more than two years after the date of the assessment.
- (4) The geotechnical assessment shall be recorded.
- (5) The mine operator shall ensure that any information available to the mine operator which may be relevant for the purposes of a geotechnical assessment is made available to the geotechnical specialist.
- (6) The mine operator shall ensure that any remedial works identified during the geotechnical assessment in accordance with paragraph (3)(b) are completed by the date specified.

#### **Tips which are a significant hazard (notifiable tips)**

**63.**—(1) Where the geotechnical specialist concludes under regulation 62(3)(a) that a tip represents a significant hazard by way of instability or movement (in these Regulations referred to as a “notifiable tip”), the mine operator shall ensure that the tip is subject to a further geotechnical assessment at least every two years.

(2) The mine operator shall ensure that a geotechnical assessment is undertaken as soon as is reasonably practicable where, in relation to a notifiable tip, there is—

- (a) any reason to suspect that there has been or will be a significant change to—
  - (i) the matters to which the geotechnical assessment relates, or
  - (ii) any neighbouring land which may be affected by movement by or instability of the tip; or
- (b) any reason to doubt the validity of the conclusion of the current assessment.

#### **Records of substances tipped**

**64.** The mine operator shall ensure that sufficient records are kept of the nature, quantity and location of all substances accumulated or deposited at a notifiable tip to enable an accurate assessment of the stability of that tip to be made.

### **Notification of tips**

**65.**—(1) Subject to paragraph (2), the mine operator shall give not less than 30 days’ notice in writing to the Executive (or such other period as the Executive may permit) of the mine operator’s intention to commence or continue (as appropriate) operations in relation to any—

- (a) proposed tip which it is reasonable to expect will be a significant hazard; or
- (b) notifiable tip other than a notifiable tip which was a classified tip within the meaning of the 1995 Regulations and in respect of which notice has been given in accordance with regulation 8(1) (1) of those Regulations.

(2) Paragraph (1)(b) shall not apply to a tip in relation to which notice of intention to commence operations has been given previously.

(3) The notice referred to in paragraph (1) shall be given—

- (a) in the case of tips falling within paragraph (1)(a), before the commencement of operations; and
- (b) in the case of tips falling within paragraph (1)(b), as soon as possible after the date on which the mine operator receives the geotechnical assessment.

(4) The following information shall be included in any notice given under paragraph (1)—

- (a) a brief description of the tip, including its location, size and the material to be excavated or tipped; and
- (b) in relation to a tip falling within paragraph (1)(b), the geotechnical specialist’s conclusions under regulation 62(3).

(5) Where a geotechnical specialist concludes during the geotechnical assessment of a notifiable tip that the tip no longer presents a significant hazard by way of instability or movement, the mine operator shall give notice in writing of that conclusion and the reasons for that conclusion to the Executive within two months of the geotechnical assessment.

### **Tips rules**

**66.**—(1) Rules required by regulation 12 shall include rules (in these Regulations referred to as “tips rules”) for the purpose of ensuring the safe construction and operation of tips.

(2) Tips rules shall in particular specify the following matters—

- (a) the manner in which the activities referred to in paragraph (1) are to be carried out;
- (b) the nature and extent of supervision of such activities; and
- (c) the precautions to be taken during such activities to ensure the health and safety of any person and the safety and stability of a tip.

### **Abandoned tips**

**67.**—(1) Subject to regulation 4(8), from the date of a notice of abandonment of a mine any tip that is deemed to form part of that mine (in this regulation referred to as an “abandoned tip”) shall cease to be a tip to which these Regulations apply.

(2) Despite paragraph (1), regulation 68 shall continue to apply in relation to every report or record made in relation to an abandoned tip.

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(1) Regulation 8(1) was amended by [S.R. 2006 No.205](#)