
STATUTORY INSTRUMENTS

1971 No. 1377

MINES AND QUARRIES

The Mines and Quarries (Tips) Regulations 1971

<i>Made</i>	- - - -	<i>17th August 1971</i>
<i>Laid before Parliament</i>		<i>26th August 1971</i>
<i>Coming into Operation</i>		<i>1st October 1971</i>

Whereas in pursuance of Part I of Schedule 2 to the Mines and Quarries Act 1954 the Secretary of State has published notice of his intention to make the following regulations and has not received any objection to the draft thereof in respect to which he is required to refer the draft regulations for inquiry and report:

Now, therefore, the Secretary of State in exercise of his powers under sections 141 and 143 of the Mines and Quarries Act 1954 and sections 1 and 4 to 8 of the Mines and Quarries (Tips) Act 1969 and all other powers in that behalf enabling him hereby makes the following regulations:—

PART I
GENERAL

Citation and commencement

1. These regulations may be cited as the Mines and Quarries (Tips) Regulations 1971 and shall come into operation on 1st October 1971.

Interpretation

2.—(1) In these regulations—

“the 1954 Act” means the Mines and Quarries Act 1954;

“the 1969 Act” means the Mines and Quarries (Tips) Act 1969;

“classified tip” means a tip to which Part I of the 1969 Act applies, being a tip of any of the following classes—

(a) the tip consists of refuse accumulated or deposited wholly or mainly in a solid state and not in solution or suspension and—

(i) the superficial area of the land covered by the refuse exceeds 10,000 square metres;
or

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- (ii) the height of the tip exceeds 15 metres; or
- (iii) the average gradient of the land covered by the refuse exceeds 1 in 12;
- (b) the tip consists of refuse accumulated or deposited wholly or mainly in solution or suspension and—
 - (i) any part of the tip (other than any wall or other structure retaining or confining it but including any liquid in it) is more than 4 metres above the level of any part of the neighbouring land within 50 metres of the perimeter of the tip; or
 - (ii) the volume of the tip (other than any wall or other structure retaining or confining it but including any liquid in it) exceeds 10,000 cubic metres:

Provided that for the purposes of determining whether refuse has been accumulated or deposited wholly or mainly in a solid state or wholly or mainly in solution or suspension any wall or other structure retaining or confining the tip shall be excluded

And in these regulations “active classified tip” and “closed classified tip” shall be construed accordingly;

“dangerous occurrence” in relation to a tip means any occurrence in which any movement of material or any fire or any other event indicates that the tip is, or is likely to become, insecure;

“height” in relation to a tip means the vertical distance between the horizontal planes passing through the lowest and highest points of the tip;

“the person having responsibility for a tip” means—

- (a) in the case of a tip which is associated with a quarry, the owner of the quarry; and
- (b) in the case of an active tip which is associated with a mine, the manager of the mine; and
- (c) in the case of a closed tip which is associated with a mine, the owner of the mine;

“watercourse” includes all rivers, streams, ditches, drains, sewers, culverts, cuts, dykes, sluices and passages, through which water flows.

(2) Expressions to which meanings are assigned by the Mines and Quarries Acts 1954 and 1969 or by these regulations shall (unless the contrary intention appears) have the same meanings in any document issued under the provisions of these regulations.

(3) The Interpretation Act 1889 shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Exemptions

- 3. An inspector may by notice served on the person having responsibility for a tip exempt—
 - (a) in the case of an active tip, the mine or quarry with which the tip is associated or any part thereof including the tip; or
 - (b) in the case of a closed tip, the tip or any part thereof

from the application of any of the provisions of these regulations if he is satisfied that the application of that provision is inappropriate in relation to the mine or quarry as the case may be or any part thereof or the closed tip or any part thereof or that the security of the tip will not be prejudiced in consequence of the granting of the exemption.

PART II

GENERAL PROVISIONS RELATING TO TIPS

Drainage of Tips

4.—(1) Tipping operations from every mine and quarry shall be carried out in such a way as to secure that the operations and the tip resulting from them do not cause an accumulation of water in under or near the tip which may make the tip insecure.

(2) Every active and closed tip shall be kept efficiently drained.

Supervision of Tips

5.—(1) For every active tip there shall be appointed by the person having responsibility for the tip a competent person to supervise or effect the carrying out of tipping operations on the tip.

(2) For every active and closed tip there shall be appointed by the person having responsibility for the tip a competent person to supervise or effect—

- (a) any provision of a system of drainage for the tip;
- (b) the maintenance in proper order of the drainage of the tip; and
- (c) the making and keeping of the tip secure.

(3) For every active and closed tip other than a classified tip there shall be appointed by the person having responsibility for the tip a competent person to supervise or effect the regular inspection of the tip and of the premises on which it is situated and to the best of his ability of its drainage.

(4) Every competent person so appointed under this regulation shall record in a book provided for that purpose by the owner of the mine or quarry with which the tip is associated a report of every defect revealed by any inspection of the tip, the premises on which it is situated and its drainage in pursuance of this regulation.

(5) The person having responsibility for a tip shall record in a book provided for that purpose by the owner of the mine or quarry with which the tip is associated the action taken to remedy any defect revealed by any inspection of the tip, the premises on which it is situated and its drainage in pursuance of this regulation.

6.—(1) It shall be the duty of the owner and, without prejudice to the provisions of section 14 of the 1954 Act, of the manager of every mine and of the owner of every quarry to ensure to the best of his ability that every person appointed by him in pursuance of these regulations to carry out supervision or inspections understands the nature and scope of any duties which fall to be performed by that person by virtue of these regulations.

(2) It shall be the duty of the owner of every mine and quarry with which is associated a closed tip, with respect to each report, record or other item of information on or relating to the tip which, in pursuance of any provision of the Mines and Quarries Acts 1954 and 1969 or regulations, is entered in a book which by or by virtue of those Acts is required to be provided by him for that purpose, to secure that there is promptly brought—

- (a) to his notice; or
- (b) to the notice of any person to whom written instructions have been given by the owner in pursuance of section 1 of the 1954 Act specifying as, or including amongst, the matters with respect to which that person is charged with securing the fulfilment in relation to the tip of statutory responsibilities of the owner, matters of the class to which the provision relates

any matter disclosed by the report, record or other item of information which either is of an abnormal or unusual nature as regards the tip or, not being of such a nature, is of a kind which will or may necessitate the taking of any steps by the owner or any other person.

Notification of beginning and ending of Tipping Operations

7. Every class and description of mines and quarries are hereby prescribed for the purposes of section 4(1) (2) of the 1969 Act.

Notification of intention whether to begin a Classified Tip

8.—(1) If at any time tipping operations from a mine or quarry are to be begun on premises which at that time are not the site of a tip to which Part I of the 1969 Act applies, the owner of the mine or quarry shall, in addition to the notice required to be given under section 4 of the 1969 Act, give notice to the inspector for the district stating whether it is intended that the resulting tip is or is not to be a classified tip not less than thirty days, or such shorter period as the inspector may permit, before the beginning of the operations.

(2) Where an owner of a mine or quarry has given notice as aforesaid that it is intended that the resulting tip is not to be a classified tip an inspector may at any time before tipping operations are begun for the purpose of ensuring the security of the resulting tip or for securing that the land on which the tipping operations are to be carried out is satisfactory for the purpose by notice served on the owner direct that the resulting tip shall be treated for the purposes of these regulations as a classified tip, and any such notice shall, if it is so specified therein, become operative forthwith.

(3) The provisions of Part XV of the 1954 Act with respect to references upon notices served by inspectors shall apply to a notice served by an inspector under the last preceding paragraph, and the relevant ground of objection shall be that compliance with the notice is unnecessary for the purpose of ensuring the security of the resulting tip or for securing that the land on which the tipping operations are to be carried out is satisfactory for the purpose.

(4) Where an owner of a mine or quarry has given notice as aforesaid that it is intended that the resulting tip is to be a classified tip, the tip shall be treated for the purposes of these regulations as being a classified tip.

PART III

PROVISIONS RELATING TO ACTIVE CLASSIFIED TIPS

Procedure before beginning Tipping Operations

9.—(1) If at any time before tipping operations from a mine or quarry are begun on premises which at that time are not the site of a tip to which Part I of the 1969 Act applies an owner of a mine or quarry gives notice pursuant to regulation 8(1) that it is intended that the resulting tip is to be a classified tip or an inspector gives a direction pursuant to regulation 8(2) that the resulting tip shall be treated for the purposes of these regulations as a classified tip, then the owner shall, not less than thirty days, or such shorter period as the inspector may permit, before the beginning of the tipping operations, obtain or make and thereafter keep, until the premises become the site of an active classified tip (in relation to which regulation 13 applies to impose a like duty on the manager of the mine or the owner of the quarry), at the office at the mine or quarry or as such other place as may be approved by an inspector—

- (a) a geological map of the district in which it is intended that the tip shall be situated, being a map on the scale of 1/10,000 or, if a map on so large a scale is not available, a map on the

nearest scale which shows the boundaries of the premises on which it is intended that the tip shall be situated and the neighbouring land within 250 metres of the said boundaries;

- (b) such accurate sections on a scale of not less than 1/1250 of the strata underlying the intended tip as may be necessary to show any variation in the thickness or character of the strata, which may affect the security of the tip, and to show, so far as it can be ascertained, the position of any known fault which may affect the security of the tip;
- (c) an accurate plan of the premises on which it is intended that the tip shall be situated and of the neighbouring land within 250 metres of the boundaries of the said premises being a plan—
 - (i) on a scale of not less than 1/2500 contoured and orientated to and correlated with the Ordnance Survey National Grid and marked with squares corresponding to the 100 metre squares shown on Ordnance Survey sheets on the scale of 1/2500; and
 - (ii) showing all mine workings (whether abandoned or not), previous landslips, springs, artesian wells, watercourses and other natural and other topographical features which might affect the security of the intended tip or might be relevant for determining whether the land on which the tipping operations are to be carried out is satisfactory for the purpose.

(2) If at any time before tipping operations from a mine or quarry are begun on premises which at that time are not the site of a tip to which Part I of the 1969 Act applies an owner of a mine or quarry gives notice pursuant to regulation 8(1) that it is intended that the resulting tip is to be a classified tip or an inspector gives a direction pursuant to regulation 8(2) that the resulting tip shall be treated for the purposes of these regulations as a classified tip, tipping operations shall not be begun until the following conditions have been satisfied—

- (a) the owner of the mine or quarry has obtained a report from a person competent to make the report on the method of carrying out the intended tipping operations and on every other matter which might affect the security of the tip or might be relevant for determining whether the land on which the tipping operations are to be carried out is satisfactory for the purpose containing in particular—
 - (i) the designed total amount of the refuse to be deposited and average amount per week;
 - (ii) an account of any surveys, tests, boreholes and ground water measurements made for the purposes of the report and the results thereof;
 - (iii) details of the site preparation, drainage and foundations of the intended tip;
 - (iv) accurate plans on a scale of not less than 1/2500 and sections on a scale of not less than 1/1250 of the intended tip or on such larger scale as an inspector may direct in either case by notice served on the owner of the mine or quarry, recording the design of the tip including in particular the superficial area of the land to be covered by the refuse, the gradients in respect of any such land, the designed height of the tip, the designed contours and boundaries of the tip, the designed position and nature of construction of any wall or other structure retaining or confining the tip and the nature and location of the types of refuse to be deposited;
 - (v) a specification of the intended tip showing the method of depositing and (where necessary) compacting the refuse;
 - (vi) the nature and extent of inspection, supervision and safety measures that in the opinion of the person making the report are necessary to be carried out during the tipping operations to ensure the security of the intended tip;
- (b) the owner of the mine or quarry has given notice to the inspector for the district that he has obtained the said report and any supplementary report required to be obtained under paragraph (3) hereof;

- (c) the owner of the mine or quarry has preserved the said reports at the office at the time or quarry or at such other place as may be approved by an inspector; and
- (d) a period of thirty days has expired beginning with the date on which the last of the notices referred to in this regulation became operative or such shorter period as the inspector for the district may permit.

(3) If an inspector is of opinion that additional surveys, tests, boreholes or ground water measurements ought to be made before tipping operations are begun or that provision ought to have been made in any report under this regulation for any matter for which provision was not made in the report or that different provision ought to have been made in the report, he may serve on the owner of the mine or quarry a notice stating that he is of that opinion, specifying the additional surveys, tests, boreholes or ground water measurements which in his opinion ought to be made or the matter for which, in his opinion, provision or, as the case may be, different provision ought to have been made in the report and the nature of the provision which, in his opinion, ought to be made, and requiring the owner to make additional surveys, tests, boreholes or ground water measurements and to obtain a supplementary report from the person who made any previous report under this regulation or from some other person competent to make the report in accordance with the tenor of the notice, and any such notice shall, if it is so specified there, become operative forthwith.

(4) The provisions of Part XV of the 1954 Act with respect to references upon notices served by inspectors shall apply to a notice served under the last preceding paragraph, and the relevant ground of objection shall be that adequate surveys, tests, boreholes or ground water measurements have already been made or that adequate provision is already made in the report for ensuring the security of the intended tip or for determining whether the land on which the tipping operations are to be carried out is satisfactory for the purpose.

Tipping Rules

10.—(1) In the case of any mine or quarry with which is associated an active classified tip, the manager of the mine or, as the case may be, the owner of the quarry shall make tipping rules with respect to tipping operations on that tip and the nature of the refuse to be deposited on that tip and such rules shall in particular specify the following matters—

- (a) the manner in which tipping operations on that tip are to be carried out;
- (b) the nature and extent of supervision of such tipping operations and the precautions to be taken in carrying out such tipping operations in order to avoid a dangerous occurrence in relation to the tip and in order to keep the tip secure and which of the persons employed at the mine or quarry has been appointed under regulation 5(1) to carry out that supervision and which of them are to take those precautions;
- (c) the nature and frequency of inspections of the tip and of the premises on which it is situated and of the drainage of the tip that in the opinion of the person making the rules are necessary to be carried out during such tipping operations to ensure the security of the tip, additional to the inspections required by other provisions of these regulations, and which of the persons employed at the mine or quarry are to carry out those inspections;
- (d) the action to be taken in respect of any defect revealed by any of those inspections.

(2) Where after the coming into operation of these regulations tipping operations are begun on premises which at that time are not the site of a tip to which Part I of the 1969 Act applies, the tipping rules shall be made upon the beginning of the operations.

Inspections

11. In the case of any mine or quarry with which is associated an active classified tip—

- (a) the manager of the mine or, as the case may be, the owner of the quarry shall make and ensure the efficient carrying out of arrangements whereby a competent person appointed for that purpose by the manager of the mine, or, as the case may be, by the owner of the quarry shall inspect weekly every such tip and the premises on which it is situated and to the best of his ability inspect the drainage of the tip and shall carry out such other inspections as are required by tipping rules;
- (b) a person who has carried out an inspection in pursuance of this regulation shall forthwith make and sign a full and accurate report of the inspection, and every such report, or a copy of such report, shall, until the expiration of three years after such inspection, be kept at the office at the mine or quarry or at such other place as may be approved by an inspector and be open to inspection by, or by a person authorised in that behalf in writing by, any person employed at that mine or quarry;
- (c) a person who has carried out an inspection in pursuance of this regulation shall forthwith record in a book provided for that purpose by the owner of the mine or quarry a report of every defect revealed by the inspection;
- (d) the person having responsibility for a tip shall record in a book provided for that purpose by the owner of the mine or quarry the action taken to remedy any defect revealed by any inspection carried out in pursuance of this regulation.

Reports

12.—(1) In the case of any mine or quarry with which is associated an active classified tip it shall not be lawful (subject to paragraph (3) below) for tipping operations to be carried out at that tip unless a report has been obtained in the last two preceding years from a person competent to make the report on the tip and on every matter which might affect the security of the tip.

(2) A special supplementary report on the tip and on every matter which might affect the security of the tip shall be obtained from a person competent to make the report as soon as practicable after a dangerous occurrence has occurred in relation to the tip, or after such a change in the design of the tip or in the nature or location of the types of refuse deposited or such a variation to or departure from its specification, as might affect its security, has been made.

(3) Where after the coming into operation of these regulations tipping operations are begun on premises which at that time are not the site of a tip to which Part I of the 1969 Act applies, the first report (other than a special supplementary report) for the purposes of this regulation shall be obtained not more than two years after the date on which the tipping operations begin.

- (4) Every report obtained for the purposes of this regulation shall contain in particular—
 - (a) an opinion whether the tip is secure;
 - (b) an opinion whether, so far as the person making the report can ascertain, there have been any changes in the design of the tip or in the nature or location of the types of refuse deposited or any variation to or departure from the specification since the original design and specification (other than those noted in a previous report under these regulations) with details of them;
 - (c) an opinion whether, so far as the person making the report can ascertain, there has occurred or is likely to occur any subsidence or other surface movement which may affect the security of the tip with details of the subsidence or other surface movement and its effect or probable effect on the security of the tip;
 - (d) an account of any surveys, tests, boreholes and ground water measurements made for the purposes of the report and the results thereof;

- (e) the nature and extent of inspection, supervision and safety measures that in the opinion of the person making the report are necessary to be carried out during tipping operations to ensure the security of the tip.

Reports, Plans and Sections. of Tips and Geological Map

13. In the case of any mine or quarry with which is associated an active classified tip it shall be the duty of the manager of the mine or, as the case may be, of the owner of the quarry to keep at the office at the mine or quarry or at such other place as may be approved by an inspector—

- (a) any report on or relating to every such tip obtained under these regulations;
- (b) any directions relating to every such tip made by an inspector or the Secretary of State under or by virtue of the Mines and Quarries Acts 1954 and 1969;
- (c) accurate plans and sections of every such tip showing clearly and accurately the extent of the tip up to a date not more than fifteen months past or such other date as an inspector may require in any particular case, accurate plans of the premises on which every such tip is situated and of the neighbouring land within 250 metres of the boundaries of the said premises and such accurate sections of the strata underlying every such tip as may be necessary to show any variation in the thickness or character of the strata which may affect the security of the tip;
- (d) a geological map of the district in which every such tip is situated, being a map on the scale of 1/10,000 or, if a map on so large a scale is not available, a map on the nearest scale which shows the boundaries of the premises on which the tip is situated and the neighbouring land within 250 metres of the said boundaries.

Records of Refuse tipped

14. In the case of any mine or quarry with which is associated an active classified tip—

- (a) it shall be the duty of the manager of the mine or, as the case may be, of the owner of the quarry to make and ensure the efficient carrying out of arrangements whereby a weekly record of the nature, quantity and location of the types of refuse deposited at every such tip is entered by a competent person appointed by him in a book provided for that purpose by the owner of the mine or quarry;
- (b) it shall be the duty of the manager of the mine or, as the case may be, of the owner of the quarry to make and ensure the efficient carrying out of arrangements whereby an annual record of the nature, quantity and location of the types of refuse deposited at every such tip is made by a competent person appointed by him, and every such record, or a copy of such record, shall, until the tip ceases to be an active classified tip, be kept at the office at the mine or quarry or at such other place as may be approved by an inspector and be open to inspection by, or by a person authorised in that behalf in writing by, any person employed at that mine or quarry.

Notification of change in design or specification of tips

15. Where such a change in the design of an active classified tip or in the nature or location of the types of refuse deposited or such a variation to or departure from its specification, as might affect its security, has been made, it shall be the duty of the manager of the mine or of the owner of the quarry with which the tip is associated to give notice forthwith of the change, variation or departure to the inspector for the district.

Transitional provisions for existing tips

16. Regulations 10(1), 11 (in so far as it refers to tipping rules), 12(1) and 13(c) and (d) shall not apply in relation to any tip which is an active classified tip at the date of the coming into operation of these regulations until twelve months after the said date.

PART IV

PROVISIONS RELATING TO CLOSED CLASSIFIED TIPS

Inspections

17.—(1) In the case of any mine or quarry with which is associated a closed classified tip the owner of the mine or quarry shall make and ensure the efficient carrying out of arrangements whereby a competent person appointed for that purpose by the owner shall inspect every such tip and the premises on which it is situated and to the best of his ability inspect the drainage of the tip—

- (a) where the tip consists of refuse accumulated or deposited wholly or mainly in solution or suspension, at intervals not exceeding six months;
- (b) where the tip consists of refuse accumulated or deposited wholly or mainly in a solid state and not in solution or suspension, at intervals not exceeding twelve months.

(2) A person who has carried out an inspection in pursuance of this regulation shall forthwith make and sign a full and accurate report of the inspection, and every such report, or a copy of such report, shall, until the expiration of three years after such inspection, be kept at the office at the mine or quarry or at such other place as may be approved by an inspector and be open to inspection by, or by a person authorised in that behalf in writing by, any person employed at that mine or quarry.

(3) A person who has carried out an inspection in pursuance of this regulation shall forthwith record in a book provided for that purpose by the owner of the mine or quarry a report of every defect revealed by the inspection.

(4) The person having responsibility for a tip shall record in a book provided for that purpose by the owner of the mine or quarry the action taken to remedy any defect revealed by any inspection carried out in pursuance of this regulation.

(5) Every entry made in any such book as aforesaid or a copy of that entry shall be preserved—

- (a) where the tip consists of refuse accumulated or deposited wholly or mainly in solution or suspension, until the expiration of five years after the date on which it was made or until a report has been obtained for the purposes of regulation 18, whichever is the earlier;
- (b) where the tip consists of refuse accumulated or deposited wholly or mainly in a solid state and not in solution or suspension, until the expiration of ten years after the date on which it was made or until a report has been obtained as aforesaid, whichever is the earlier.

Reports

18.—(1) In the case of any mine or quarry with which is associated a closed classified tip the owner of the mine or quarry shall obtain—

- (a) a report from a person competent to make the report on the tip and on every matter which might affect the security of the tip—
 - (i) where the tip consists of refuse accumulated or deposited wholly or mainly in solution or suspension, at intervals not exceeding five years;

- (ii) where the tip consists of refuse accumulated or deposited wholly or mainly in a solid state and not in solution or suspension, at intervals not exceeding ten years; and
 - (b) a special supplementary report on the tip and on every matter which might affect the security of the tip from a person competent to make the report as soon as practicable after a dangerous occurrence has occurred in relation to the tip.
- (2) Every report obtained for the purposes of this regulation shall contain in particular—
- (a) an opinion whether the tip is secure;
 - (b) details of any subsidence or other surface movement that has occurred which may affect the security of the tip;
 - (c) an account of any surveys, tests, boreholes and ground water measurements made for the purposes of the report and the results thereof;
 - (d) the nature and extent of inspection, supervision and safety measures that in the opinion of the person making the report are necessary to be carried out to ensure the security of the tip.
- (3) The owner shall obtain the first report under sub-paragraph (a) paragraph (1) of this regulation—
- (a) where no report has been obtained from a person competent to make the report on the tip under any other provisions of these regulations—within two years after the tip becomes a classified tip or, in the case of a tip which is a classified tip at the date of the coming into operation of these regulations, within two years after the said date;
 - (b) where a report has been obtained from a person competent to make the report on the tip under any other provisions of these regulations and the tip consists of refuse accumulated or deposited wholly or mainly in solution or suspension—within five years after the report has been obtained;
 - (c) where a report has been obtained as aforesaid and the tip consists of refuse accumulated or deposited wholly or mainly in a solid state and not in solution or suspension—within ten years after the report has been obtained.

Reports, Plans and Section of Tips and Geological Maps

19.—(1) In the case of any mine or quarry with which is associated a closed classified tip, it shall be the duty of the owner of the mine or quarry to make and ensure the efficient carrying out of arrangements whereby correct particulars of any operations carried out at every such tip which might affect its security are recorded by a competent person appointed by him in a book provided by him for that purpose and (where necessary) on plans, drawings and sections attached thereto.

(2) For the purposes of this regulation “operations” includes surveys and tests as well as building, engineering, mining and other operations.

20.—(1) In the case of any mine or quarry with which is associated a closed classified tip it shall be the duty of the owner of the mine or quarry to keep at the office at the mine or quarry or at such other place as may be approved by an inspector—

- (a) any reports on or relating to every such tip obtained under these regulations;
- (b) any directions relating to every such tip made by an inspector or the Secretary of State under or by virtue of the Mines and Quarries Acts 1954 and 1969;
- (c) accurate plans and sections of every such tip showing clearly and accurately the extent of the tip up to the date on which it ceased to be used for the deposit of refuse from the mine or quarry, accurate plans of the premises on which every such tip is situated and of the neighbouring land within 250 metres of the boundaries of the said premises and such

accurate sections of the strata underlying every such tip as may be necessary to show any variation in the thickness or character of the strata which may affect the security of the tip;

- (d) a geological map of the district in which every such tip is situated, being a map on the scale of 1/10,000 or, if a map on so large a scale is not available, a map on the nearest scale which shows the boundaries of the premises on which the tip is situated and the neighbouring land within 250 metres of the said boundaries;
- (e) all records (or copies thereof) of refuse deposited at every such tip made pursuant to regulation 14(b);
- (f) all records of operations carried out at every such tip made pursuant to regulation 19.

(2) In the case of any tip which is a closed classified tip at the date of the coming into operation of these regulations, sub-paragraphs (c) and (d) of paragraph (1) of this regulation shall not apply until two years after the said date, and in the case of any tip which becomes a closed classified tip after the said date by virtue of a direction given by an inspector under these regulations, the said sub-paragraphs of paragraph (1) of this regulation shall not apply until two years after the direction becomes operative.

PART V

RESUMPTION OF TIPPING OPERATIONS AT CLOSED TIPS

Procedure before resumption

21.—(1) If at any time tipping operations from a mine or quarry are to be resumed at a tip which at that time is a closed tip but not a classified tip, the owner of the mine or quarry shall, in addition to the notice required to be given under section 4 of the 1969 Act, give notice to the inspector for the district stating whether it is intended that the tip is or is not become a classified tip not less than thirty days or such shorter period as the inspector may permit, before the resumption of the operations.

(2) The provisions of paragraphs (2) to (4) of regulation 8 shall apply in relation to such a notice as they apply in relation to a notice under regulation 8(1) as if the references in the said paragraphs to the resulting tip were a reference to the closed tip and as if the reference in regulation 8(2) to the beginning of tipping operations were a reference to the resumption of tipping operations.

22.—(1) If at any time tipping operations from a mine or quarry are to be resumed at a tip which at that time is a closed classified tip or if an owner of a mine or quarry with which is associated a closed tip, at which tipping operations are to be resumed but which is not a classified tip, gives notice pursuant to regulation 21(1) that it is intended that the tip is to become a classified tip, or if an inspector before tipping operations from a mine or quarry are resumed at a closed tip which is not a classified tip gives a direction by virtue of regulation 21(2) that the tip shall be treated for the purposes of these regulations as a classified tip—

- (a) the owner of the mine or quarry, with which the tip is associated, shall, not less than thirty days, or such shorter period as the inspector may permit, before the resumption of tipping operations at that tip from the mine or quarry, obtain or make and thereafter keep, until the premises become the site of an active classified tip, at the office at the the mine or quarry or at such other place as may be approved by an inspector such maps, sections and plans as are required to be obtained or made and kept by regulation 9(1);
- (b) tipping operations shall not be resumed at that tip from the mine or quarry until such conditions are satisfied as are specified in regulation 9(2); but nothing in this sub-paragraph shall require the owner to obtain a report within two years of any report already obtained on the tip and on every matter which might affect the security of the tip under

the provisions of regulations 9(2)(a), 9(3) and 12(1), unless such a change in the design of the tip or in the nature or location of the types of refuse deposited or such a variation to or departure from its specification, as might affect its security, has been made.

(2) The provisions of regulation 9(3) and (4) shall apply as if the reference in regulation 9(3) to the reports under that regulation were a reference to the reports required to be obtained by virtue of sub-paragraph (b) of paragraph (1) of this regulation and as if the reference in regulation 9(3) to the beginning of tipping operations were a reference to their resumption.

Tipping Rules

23. Where after the coming into operation of these regulations tipping operations are resumed at a tip which at that time is a closed classified tip tipping rules shall be made upon the resumption of the operations.

PART VI

MISCELLANEOUS PROVISIONS

Transmission of plans etc relating to tips ceasing to be associated with a mine or quarry

24. In the event of the abandonment of a mine or quarry, the owner of the mine or quarry shall within three months thereafter send to the inspector for the district—

- (a) all such plans, drawings and sections relating to tips associated with the mine or quarry as were required to be kept by virtue of section 6 of the 1969 Act;
- (b) all such other plans relating to tips associated with the mine or quarry as were required to be kept under these regulations;
- (c) all such reports or records relating to tips associated with the mine or quarry as were required to be kept by virtue of regulations 13, 14(b) and 20.

25. Before an owner of a mine or quarry with which is associated a tip to which Part I of the 1969 Act applies parts with the exclusive occupation of the whole of the premises on which the tip is situated, he shall send to the inspector for the district all such plans, drawings, sections, reports and records relating to the tip as are referred to in regulation 24 or an accurate copy thereof.

Directions

26.—(1) An inspector may at any time not already provided for in these regulations by notice served on the person having responsibility for a tip which is not a classified tip for the purpose of ensuring the security of the tip direct that the tip shall be treated for the purposes of all or any of these regulations as a classified tip and any such notice shall, if it is so specified therein, become operative forthwith.

(2) The provisions of Part XV of the 1954 Act with respect to references upon notices served by inspectors shall apply to a notice served by an inspector under the last preceding paragraph, and the relevant ground of objection shall be that compliance with the notice is wholly, or to a particular extent, unnecessary for the purpose of ensuring the security of the tip.

Conduct of employees

27.—(1) Without prejudice to the generality of section 3(3) of the 1954 Act, every person employed at a tip to which Part I of the 1969 Act applies shall obey any instruction given to him

by any person upon whom duties are laid by these regulations, being an instruction given by that person for the purpose of the performance of those duties.

(2) No person so employed shall impede or obstruct any other person in the performance of such duties.

(3) Regulation 2(1) of the Coal and Other Mines (General Duties and Conduct) Regulations 1956⁽¹⁾ shall not apply to any such instruction and regulation 2(2) of those regulations shall not apply to such duties.

Application of other regulations

28. Any reference in any other regulations to the 1954 Act shall, except where the context otherwise requires, include a reference to Part I of the 1969 Act where such a reference is appropriate for the purpose of ensuring the security of tips to which the said Part I applies.

Revocation

29. The Mines and Quarries (Notification of Tipping Operations) Regulations 1969⁽²⁾ are hereby revoked.

Dated 17th August 1971

John Eden
Minister for Industry
Department of Trade and Industry

(1) (1956 I, p. 1256).

(2) (1969 II, p. 3401).

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EXPLANATORY NOTE

These regulations made under the Mines and Quarries Acts 1954 and 1969 set out general requirements (regulations 4–8) notably in relation to responsibility for the drainage, supervision, maintenance and inspection of all existing and new tips to which Part I of the Mines and Quarries (Tips) Act 1969 applies. They revoke (regulation 29) the Mines and Quarries (Notification of Tipping Operations) Regulations 1969 and incorporate their substance (regulation 7). More detailed provisions applicable to “classified tips”, i.e. tips which because of their size or location are more likely to present a potential hazard, are set out in regulations 9–26. “Classified tips” are defined in regulation 2.

Regulation 27 deals with the conduct of employees.

Regulation 28 defines the extent to which existing regulations, made under the Mines and Quarries Act 1954, are applicable to matters covered by Part I of the Mines and Quarries (Tips) Act 1969.