
STATUTORY INSTRUMENTS

1971 No. 1377

The Mines and Quarries (Tips) Regulations 1971

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
 - (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;

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“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.