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STATUTORY INSTRUMENTS

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**1971 No. 1377**

**The Mines and Quarries (Tips) Regulations 1971**

**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.