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STATUTORY INSTRUMENTS

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**1971 No. 1377**

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

**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.