

## SCHEDULE 5

### Modifications

## PART 1

### Modifications to primary legislation

1. In the 1954 Act, for section 180 substitute the following—

**“Meaning of “mine”**

**180.**—(1) This section defines “mine” for the purposes of this Act.

(2) “Mine” means an excavation or system of excavations (including all excavations to which a common system of ventilation is provided) made for the purpose of, or in connection with, the extraction, wholly or substantially by means involving persons working below ground, of—

- (a) minerals (in their natural state or in solution or suspension), or
- (b) mineral products.

(3) A mine is deemed to include so much of the surface (including buildings, structures or works on it) surrounding or adjacent to the shafts or outlets of the mine as is occupied with the mine for the purpose of, or in connection with—

- (a) working the mine,
- (b) the storage, treatment or preparation for sale, consumption or use of minerals or mineral products extracted from the mine, or
- (c) the removal from the mine of minerals or mineral products extracted from it or of refuse from it.

(4) But a mine is not deemed to include premises in which a manufacturing process is carried on for a purpose other than—

- (a) working the mine, or
- (b) the preparation for sale of minerals extracted from the mine.

(5) Premises used to deposit refuse from a single mine and occupied exclusively by the owner of the mine are deemed to form part of the mine.

(6) Premises used to deposit refuse from two or more mines and occupied by the owner of one of the mines (either exclusively or jointly with the owner of the other or any of the others) are deemed to form part of whichever of the mines the Health and Safety Executive directs.

(7) A railway line serving one or more mines, other than a line falling within subsection (3) or belonging to a railway company, is deemed to form part of the mine or (if more than one) of whichever of the mines the Health and Safety Executive directs.

(8) A conveyor or aerial ropeway provided for the removal from a mine of minerals extracted from it, or of refuse from it, is deemed to form part of the mine.”

2.—(1) Despite the revocation of the Management and Administration of Safety and Health at Mines Regulations 1993 by regulation 74(2), subsection (3) of section 182 of the 1954 Act continues to have effect subject to the modification in sub-paragraph (2).

(2) For paragraph (a) of that section, substitute—

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(a) a mine shall be treated as being worked at any time when there are persons at work below ground or plant or equipment is in operation at the mine to maintain the safety of that mine or of any other mine or the operation of driving a shaft or outlet is being undertaken at the mine.”

**3. In the Mines and Quarries (Tips) Act 1969—**

(a) in section 11, for subsection (2) substitute—

“(2) For the purposes of this Part of this Act a disused tip is a tip other than one to which the Quarries Regulations 1999 or the Mines Regulations 2014 apply.”;

(b) in section 11, after subsection (3) insert—

“(3A) In this Part of this Act, “tip” means an accumulation or deposit of refuse from a mine or quarry (whether in a solid state or in solution or suspension) other than an accumulation or deposit situated underground, and where any wall or other structure retains or confines a tip then, whether or not that wall or structure is itself composed of refuse, it is deemed to form part of the tip for the purposes of this Part.”