



Mines and Quarries (Tips) Act 1969

1969 CHAPTER 10

PART I

SECURITY OF TIPS ASSOCIATED WITH MINES AND QUARRIES

1 Security of certain tips and application of Mines and Quarries Act 1954

- (1) Every tip to which this Part of this Act applies shall be made and kept secure.
- (2) Provision may be made by regulations with respect to any matter or thing with respect to which it appears to the Minister requisite or expedient to make provision for the purpose of ensuring the security of tips to which this Part of this Act applies, for securing that land on which tipping operations are to be carried out is satisfactory for the purpose and otherwise for carrying this Part of this Act into effect.
- (3) This Part of this Act shall be construed as one with the Mines and Quarries Act 1954 (in this Part of this Act referred to as " the principal Act") and, without prejudice to the generality of this provision,—
 - (a) except where the context otherwise requires, any reference in the principal Act to that Act includes a reference to this Part of this Act and expressions used in that Act have the same meaning in this Part of this Act as in that Act; and
 - (b) the principal Act shall have effect subject to the modifications in Schedule 1 to this Act.

2 Tips to which Part I applies

- (1) In this Act, the expression " 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 shall be deemed to form part of the tip for the purposes of this Act.
- (2) Subject to subsections (3) and (4) below, a tip is one to which this Part of this Act applies if either—

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- (a) the tip is on premises which are deemed to form part of a mine or quarry for the purposes of the principal Act by virtue of section 180(4) of that Act (which relates to premises for the time being used for the deposit of refuse); or
- (b) the tip is not on such premises but the mine or quarry with which it is associated has not been abandoned and the premises on which the tip is situated continue to be occupied exclusively by the owner of that mine or quarry;

and for the purposes of this Part of this Act a tip is an " active tip " if it falls within paragraph (a) above and a " closed tip " if it falls within paragraph (b) above.

- (3) If part, but not the whole, of any premises on which a tip is situated is occupied exclusively by the owner of a mine or quarry and, by reason only that the whole of those premises is not occupied exclusively by the owner, the tip is not, apart from this subsection, one to which this Part of this Act applies (whether as an active tip or a closed tip) then.—
 - (a) subject to any direction under paragraph (b) below, the tip shall be deemed to be an active tip or a closed tip, as the case may be, and if an active tip, the premises on which it is situated shall be treated, for the purposes of the principal Act and this Part of this Act, as forming part of the mine or quarry with which it is associated; and
 - (b) the Minister may by order direct that, as from such day as may be specified in the order, the whole or such part of the tip as may be so specified shall cease to be a tip to which this Part of this Act applies.
- (4) If the whole or any part of a tip which, apart from this subsection, would be a tip to which this Part of this Act applies is appropriated to some use which, in the opinion of the Minister, is inconsistent with the resumption of tipping operations on the tip, or on a particular part of it, the Minister may by order direct that, as from such day as may be specified in the order, the whole or such part of the tip as may be so specified shall cease to be a tip to which this Part of this Act applies.
- (5) Notwithstanding anything in subsection (3)(a) above or in section 180(4) of the principal Act, where an order is made under subsection (3)(b) or subsection (4) above in relation to a tip which, apart from the order, would be an active tip, then, for the purposes of the principal Act and this Part of this Act, the premises on which the tip, or the part thereof which is specified in the order, is situated shall cease to form part of a mine or quarry as from the day specified in the order; but where such an order relates to part only of the tip, then (subject to any subsequent order) the remainder of the tip shall, of itself, be treated as an active tip and accordingly the premises on which the remainder of the tip is situated shall continue to form part of the mine or quarry with which the tip is associated.

3 Duties of owners and managers and powers of inspectors

- (1) It shall be the duty of the owner and of the manager of every mine and of the owner and of any manager of every quarry to take such steps as may be necessary for securing that he is at all material times in possession of all information relevant for determining the nature and extent of any steps which it is requisite for him to take in order to discharge efficiently the duties imposed on him by or by virtue of this Part of this Act.
- (2) Neither the manager of a mine as such, nor a manager of a quarry as such shall be guilty of an offence, by virtue of subsection (1) or subsection (2) of section 152 of the principal Act (which provides among other things that managers may be guilty

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of an offence where some other person contravenes a particular statutory provision) by reason of a contravention, in relation to a closed tip which is associated with the mine or quarry, of—

- (a) any provision of this Part of this Act, of the principal Act, of any order made thereunder or of regulations; or
 - (b) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Part of this Act or the principal Act by an inspector;
 - (c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Part of this Act or the principal Act by the Minister or an inspector.
- (3) In subsection (2) above, the expression " the manager ", in relation to a mine, includes an under-manager of the mine and any person who is for the time being treated for the purposes of the principal Act as the manager or an under-manager of the mine, and the expression " manager ", in relation to a quarry, includes any person who is for the time being treated for the purposes of that Act as a manager of the quarry.
- (4) For the purpose of determining whether a tip to which this Part of this Act applies is, or is likely to become, insecure an inspector shall have power to require the owner of the mine or quarry with which it is associated to furnish such information as the inspector may specify and may by notice served on the owner require him to carry out such procedures or conduct such tests as may be specified in the notice.
- (5) In relation to an active tip, the powers of an inspector under subsection (4) above shall include power to require information from, or to serve a notice requiring the carrying out of procedures or the conduct of tests by, the manager of the mine or, as the case may be, a manager of the quarry, instead of, or as well as, the owner.
- (6) The provisions of Part XV of the principal Act with respect to references upon notices served by inspectors shall apply to a notice served by an inspector under this section.

4 Notification of beginning and ending of tipping operations

- (1) If at any time tipping operations from a mine or quarry of a prescribed class or description—
- (a) are to be begun on premises which at that time are not the site of a tip to which this Part of this Act applies, or
 - (b) are to be resumed at a tip which at that time is a closed tip,
- the owner of the mine or quarry shall give notice to the inspector for the district of the intention to begin or resume the tipping operations not less than thirty days, or such shorter period as the inspector may permit, before the beginning or resumption of the operations.
- (2) Not more than two months after the date on which tipping operations from a mine or quarry of a prescribed class or description cease at an active tip, the owner of the mine or quarry shall give notice to the inspector for the district that tipping operations have ceased at that tip.

5 Tipping rules

- (1) Regulations may require that, in the case of any mine or quarry with which is associated an active tip of such class or description as may be prescribed, the manager

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of the mine or, as the case may be, the owner of the quarry shall make rules (in this Part of this Act referred to as " tipping rules ") with respect to tipping operations on any active tip of a prescribed class or description and the nature of the refuse to be deposited on such a tip.

- (2) Tipping rules shall comply with such requirements with respect to the form thereof and the matters to be specified therein as may be prescribed and may impose upon persons employed at the mine or quarry such duties and prohibitions as it appears to the manager of the mine or the owner of the quarry requisite or expedient to impose on them for securing compliance with any requirement imposed by or by virtue of this Part of this Act.
- (3) If, with respect to any tipping rules for the time being in force, an inspector is of opinion that the rules require modification in any particular, he may serve on the manager of the mine concerned or, as the case may be, the owner of the quarry concerned, a notice specifying the particular in which, in his opinion, the rules require modification and the nature of the modification which, in his opinion, ought to be made, and requiring the manager or owner, before the expiry of such period beginning with the date on which the notice becomes operative as may be specified therein, to modify the tipping rules in accordance with the tenor of the notice.
- (4) The provisions of Part XV of the principal Act with respect to references upon notices served by inspectors shall apply to a notice served by an inspector under this section.
- (5) Any provision of tipping rules which is inconsistent with the provisions of any regulation shall, to the extent of the inconsistency, be of no effect.
- (6) A copy of all tipping rules for the time being in force with respect to a mine or quarry shall be kept at the office at the mine or quarry or at such other place as may be approved by an inspector, and it shall be the duty of the manager of every mine and the owner of every quarry with respect to which tipping rules are for the time being in force to supply to every person employed at the mine or quarry whose duties consist of or include the carrying out of tipping operations a document explaining the effect of the tipping rules so far as they concern him.
- (7) A document purporting to be certified by the manager of a mine or the owner of a quarry to be a true copy of any tipping rules for the time being in force with respect to that mine or quarry shall be receivable in evidence and shall, unless the contrary is proved, be deemed to be such a copy.

6 Plans and sections of tips

- (1) Provision may be made by regulations for requiring that, in the case of every active or closed tip of a prescribed class or description, the person having responsibility for the tip shall keep at the office at the mine or quarry with which the tip is associated or at such other place as may be approved by an inspector accurate plans and sections of the tip and of the strata underlying it, being plans or, as the case may be, sections complying with such requirements as are imposed by or by virtue of subsection (2) below ; and regulations made by virtue of this subsection may require that plans and sections be so kept as at any time to disclose the extent of the tip delineated thereon both up to a day not earlier than such previous day as may be prescribed and up to a distance from its position at that time not greater than such as may be prescribed.
- (2) Plans and sections required to be kept by virtue of subsection (1) above shall be of durable material and be prepared in such form and manner as may be specified by

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rules made by the Minister and on a scale not less than such as may be so specified and any such plans and sections shall record such information as may be so specified with respect to situation, contours, boundaries, the nature of the refuse deposited and any such other matters (whether similar to those specially mentioned in this subsection or not) as may be so specified.

- (3) If it appears to an inspector that any information which, by virtue of the preceding provisions of this section, is required to be recorded on a plan or section required to be kept by the person having responsibility for an active or closed tip cannot be recorded thereon fully and clearly, he may serve on that person a notice requiring him to keep at the office at the mine or quarry with which the tip is associated or at such other place as may be approved by an inspector such supplementary plan, section or drawing specified in the notice as appears to the inspector by whom the notice is served to be requisite for the purpose of recording that information fully and clearly.
- (4) For the purposes of this section the person having responsibility for a tip is—
 - (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.

7 Transmission and preservation of plans, etc. relating to tips at abandoned mines and quarries

- (1) Provision may be made by regulations for requiring that, in the event of the abandonment of a mine or quarry, the owner of the mine or quarry shall, within the prescribed period, 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 above ; and
 - (b) such other information as may be prescribed with respect to the nature and quantity of the refuse deposited on, and any other prescribed matters relating to, any tip associated with the mine or quarry.
- (2) Subject to subsection (3) below, plans, drawings, sections and other information sent to an inspector in pursuance of subsection (1) above shall be preserved by the Minister or by some other person under arrangements made or approved by the Minister.
- (3) Where, at the time at which the working of a mine or quarry is resumed, any plans, drawings, sections or other information relating to a tip associated, or formerly associated, with the mine or quarry are, by virtue of subsection (2) above, preserved by the Minister or by some other person (not being the owner of the mine or quarry), the owner shall, on giving not less than fourteen days' notice to the person by whom they are preserved and (where that person is not the Minister) to the Minister, be entitled to have the plans, drawings, sections and other information delivered to him.
- (4) If required to do so before the expiry of a notice given by him under subsection (3) above, the owner of a mine or quarry shall afford to the Minister a reasonable opportunity of making copies of the whole, or such part as the Minister thinks fit, of any plans, drawings, sections and other information to which the notice relates.

8 Geological map to be kept of district in which certain tips are situated

- (1) Regulations may require that the person having responsibility for a tip of a prescribed class or description, being a tip to which this Part of this Act applies, shall keep at the office at the mine or quarry with which the tip is associated or at such other place as may be approved by an inspector a geological map of the district in which the tip is situated, being a map conforming to such requirements (if any) as may be prescribed.
- (2) Subsection (4) of section 6 above shall apply for the purposes of this section as it applies for the purposes of that section.

9 Penalty for offences relating to tips to which Part I applies

- (1) Where any person is convicted of an offence under the principal Act by virtue of—
 - (a) a contravention of any provision of this Part of this Act, or
 - (b) an act or omission which, by virtue only of a provision of this Part of this Act, constitutes a contravention of any provision of the principal Act or of regulations,
and the act or omission which constituted the contravention was of such a nature that it impaired, or might in the opinion of the court have been expected to impair, the security of the tip, the court by which that person is convicted may impose upon him either in addition to, or in substitution for, any fine authorised by section 155(1) of the principal Act, imprisonment for a term not exceeding three months.
- (2) In relation to any contravention falling within subsection (1) above, that subsection shall have effect in place of subsection (2) of section 155 of the principal Act (which restricts the penalty of imprisonment to offences where there was a risk of death, serious injury or danger to a person employed at a mine or quarry).

10 Interpretation of Part I

- (1) In this Part of this Act (and in any provision of the principal Act where these expressions occur).—
 - (a) "tip", "active tip" and "closed tip" shall be construed in accordance with section 2 above ;
 - (b) " tipping operations " means the depositing of refuse from a mine or quarry and the carrying out of any operations necessary for, or incidental to, the depositing of the refuse ; and
 - (c) " tipping rules " shall be construed in accordance with section 5(1) above.
- (2) For the purposes of this Part of this Act and of the principal Act the mine or quarry with which a tip is associated shall be determined as follows.—
 - (a) in the case of a tip on premises which are deemed to form part of a mine or quarry for the purposes of the principal Act, the tip is associated with that mine or quarry;
 - (b) in the case of a tip not falling within paragraph (a) above but on premises which, at any time after the commencement of the principal Act, were deemed to form part of a mine or quarry for the purposes of that Act, the tip is associated with that mine or quarry (or, as the case may be, the last such mine or quarry); and
 - (c) in any other case, the tip is associated with the mine or quarry from which refuse was deposited on the tip, or, in the case of a tip which was used for the

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deposit of refuse from two or more mines or quarries, such one of those mines or quarries as the Minister may direct.

- (3) Any reference in this Part of this Act to any other enactment shall be taken as referring to that enactment as amended by or under any other enactment, including this Part of this Act.