
STATUTORY INSTRUMENTS

1971 No. 1377

The Mines and Quarries (Tips) Regulations 1971

PART IV

PROVISIONS RELATING TO CLOSED CLASSIFIED TIPS

Inspections

17.—(1) In the case of any mine or quarry with which is associated a closed classified tip the owner of the mine or quarry shall make and ensure the efficient carrying out of arrangements whereby a competent person appointed for that purpose by the owner shall inspect every such tip and the premises on which it is situated and to the best of his ability inspect the drainage of the tip—

- (a) where the tip consists of refuse accumulated or deposited wholly or mainly in solution or suspension, at intervals not exceeding six months;
- (b) where the tip consists of refuse accumulated or deposited wholly or mainly in a solid state and not in solution or suspension, at intervals not exceeding twelve months.

(2) 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.

(3) 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.

(4) 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.

(5) Every entry made in any such book as aforesaid or a copy of that entry shall be preserved—

- (a) where the tip consists of refuse accumulated or deposited wholly or mainly in solution or suspension, until the expiration of five years after the date on which it was made or until a report has been obtained for the purposes of regulation 18, whichever is the earlier;
- (b) where the tip consists of refuse accumulated or deposited wholly or mainly in a solid state and not in solution or suspension, until the expiration of ten years after the date on which it was made or until a report has been obtained as aforesaid, whichever is the earlier.

Reports

18.—(1) In the case of any mine or quarry with which is associated a closed classified tip the owner of the mine or quarry shall obtain—

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- (a) a report from a person competent to make the report on the tip and on every matter which might affect the security of the tip—
 - (i) where the tip consists of refuse accumulated or deposited wholly or mainly in solution or suspension, at intervals not exceeding five years;
 - (ii) where the tip consists of refuse accumulated or deposited wholly or mainly in a solid state and not in solution or suspension, at intervals not exceeding ten years; and
 - (b) a special supplementary report on the tip and on every matter which might affect the security of the tip from a person competent to make the report as soon as practicable after a dangerous occurrence has occurred in relation to the tip.
- (2) Every report obtained for the purposes of this regulation shall contain in particular—
- (a) an opinion whether the tip is secure;
 - (b) details of any subsidence or other surface movement that has occurred which may affect the security of the tip;
 - (c) an account of any surveys, tests, boreholes and ground water measurements made for the purposes of the report and the results thereof;
 - (d) 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 to ensure the security of the tip.
- (3) The owner shall obtain the first report under sub-paragraph (a) paragraph (1) of this regulation—
- (a) where no report has been obtained from a person competent to make the report on the tip under any other provisions of these regulations—within two years after the tip becomes a classified tip or, in the case of a tip which is a classified tip at the date of the coming into operation of these regulations, within two years after the said date;
 - (b) where a report has been obtained from a person competent to make the report on the tip under any other provisions of these regulations and the tip consists of refuse accumulated or deposited wholly or mainly in solution or suspension—within five years after the report has been obtained;
 - (c) where a report has been obtained as aforesaid and the tip consists of refuse accumulated or deposited wholly or mainly in a solid state and not in solution or suspension—within ten years after the report has been obtained.

Reports, Plans and Section of Tips and Geological Maps

19.—(1) In the case of any mine or quarry with which is associated a closed classified tip, it shall be the duty of the owner of the mine or quarry to make and ensure the efficient carrying out of arrangements whereby correct particulars of any operations carried out at every such tip which might affect its security are recorded by a competent person appointed by him in a book provided by him for that purpose and (where necessary) on plans, drawings and sections attached thereto.

(2) For the purposes of this regulation “operations” includes surveys and tests as well as building, engineering, mining and other operations.

20.—(1) In the case of any mine or quarry with which is associated a closed classified tip it shall be the duty of the owner of the mine or 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 reports 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 the date on which it ceased to be used for the deposit of refuse from the mine or quarry, 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;
- (e) all records (or copies thereof) of refuse deposited at every such tip made pursuant to regulation 14(b);
- (f) all records of operations carried out at every such tip made pursuant to regulation 19.

(2) In the case of any tip which is a closed classified tip at the date of the coming into operation of these regulations, sub-paragraphs (c) and (d) of paragraph (1) of this regulation shall not apply until two years after the said date, and in the case of any tip which becomes a closed classified tip after the said date by virtue of a direction given by an inspector under these regulations, the said sub-paragraphs of paragraph (1) of this regulation shall not apply until two years after the direction becomes operative.