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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 427**

**The Mines Regulations (Northern Ireland) 2016**

**PART 10**

**TRANSITIONAL PROVISIONS, REPEALS,  
REVOCATIONS AND MODIFICATIONS**

**Transitional provisions: general**

**71.**—(1) Where enforcement action has been initiated against an owner, manager or employer in relation to a mine by the Executive before the date on which these Regulations come into operation, that action shall continue as if the action had been commenced against the mine operator on that date.

(2) Any action taken by the Executive or an inspector with respect to a mine in relation to any of the relevant statutory provisions in operation before the date these Regulations come into operation shall continue to have effect in relation to the mine operator so that it shall be the duty of the mine operator to carry out any remedial actions or operations that the owner, manager or principal employer of employees at the mine was under an obligation to carry out or achieve immediately before the date on which these Regulations came into operation.

(3) A document prepared by the owner, manager or an employer at a mine and sufficient for the purposes of the provision in column 1 of table 1 in operation immediately before the coming into operation of these Regulations may be relied upon by the mine operator as evidence that an assessment, process, procedure or scheme required by the corresponding provision of these Regulations in column 2 of table 1 has been made or is in place.

**Table 1**

<i>Column 1</i>	<i>Column 2</i>
Regulation 4(5)(a) of the Mines Miscellaneous Health and Safety Provisions Regulations (Northern Ireland) 1995 <sup>(1)</sup>	regulation 20(1)
Section 37(1) of the 1969 Act	regulation 42
Regulation 10 of the Mines and Quarries (Tips and Tipping Plans) Regulations (Northern Ireland) 1995	regulation 66(1)

(4) Where, immediately before the coming into operation of these Regulations, anything is kept at a place other than a mine in accordance with the relevant statutory provisions, that place shall be deemed to be suitable for the purposes of these Regulations.

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(1) S.R. 1995 No.379. Regulation 4(5) was inserted by S.R. 2000 No. 388

(5) In this regulation, references to enforcement action are to steps taken by an inspector under Articles 22 to 24 and 27 of the 1978 Order in relation to a particular mine or to proceedings instituted under the 1978 Order in any court and requiring the owner, manager, employer or mine operator to do or not to do anything.

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**Commencement Information**

**I1** [Reg. 71](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

**Transitional provisions: tips**

**72.**—(1) A mine operator shall carry out by 31st January 2018 the first appraisal of a tip that, immediately before the coming into operation of these Regulations, was not classified within the meaning of regulation 2(1) of the 1995 Regulations.

(2) Where, before the date on which these Regulations come into operation, a report has been obtained in accordance with regulation 9(2)(a), 12 (1) or 18(1) of the 1995 Regulations and is less than two years old, that report—

- (a) shall be treated as a geotechnical assessment for the purpose of regulation 62; and
- (b) remains valid for two years from the date on which it was made.

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**Commencement Information**

**I2** [Reg. 72](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

**Repeals and revocations**

**73.**—(1) The provisions of the 1969 Act specified in column 1 of Schedule 3 are repealed to the extent set out in the corresponding entry in column 2.

(2) The instruments specified in Part 1 of Schedule 4 are revoked in full.

(3) The instruments specified in column 1 of Part 2 of Schedule 4 are revoked to the extent specified in the corresponding entry in column 2.

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**Commencement Information**

**I3** [Reg. 73](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

**Modifications**

**74.** The modifications specified in Schedule 5 shall have effect.

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**Commencement Information**

**I4** [Reg. 74](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Mines Regulations (Northern Ireland) 2016, PART 10.