
STATUTORY INSTRUMENTS

1998 No. 1572 (S.81)

WATER SUPPLY, SCOTLAND

**The Mines (Notification of Abandonment)
(Scotland) Regulations 1998**

<i>Made</i>	- - - -	<i>23rd June 1998</i>
<i>Laid before Parliament</i>		<i>10th July 1998</i>
<i>Coming into force</i>	- -	<i>31st July 1998</i>

The Secretary of State, in exercise of the powers conferred on him by sections 30Z and 105(1) of the Control of Pollution Act 1974(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Mines (Notification of Abandonment) (Scotland) Regulations 1998 and shall come into force on 31st July 1998.

(2) In these Regulations references to sections are to sections of the Control of Pollution Act 1974.

Prescribed information

2. A notice given to SEPA under—

- (a) section 30Z(1);
- (b) section 30Z(4)(b); or
- (c) section 30Z(5),

shall contain the information prescribed in Part I, II or III respectively of Schedule 1 to these Regulations.

Prescribed particulars

3. The particulars specified in Schedule 2 to these Regulations are prescribed for the purposes of section 30Z(6).

(1) 1974 c. 40; section 30Z was inserted by the Environment Act 1995 (c. 25), section 59; section 105(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.

Status: This is the original version (as it was originally made).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

St Andrew's House,
Edinburgh
23rd June 1998

Sewel
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Regulation 2

INFORMATION TO BE CONTAINED IN NOTICES

PART I

NOTICES UNDER SECTION 30Z(1)

1. The name and address of the operator and, if different, the owner of the mine.
2. Details of any changes in the names and addresses referred to in paragraph 1 above likely to occur before the latest date for any abandonment specified in the notice.
3. The nature and date of each proposed abandonment, specifying (if relevant) any appropriate sub-paragraph under section 30Y(1)(a)(2).
4. The name and address of the mine, including an Ordnance Survey National Grid Reference for its address.
5. A description and schematic drawing showing the area, extent and depth below the surface of—
 - (a) the mine;
 - (b) where not all of the mine is to be abandoned, that part which it is proposed to abandon;
 - (c) any relevant seam, vein or vein-system; and
 - (d) any shaft or outlet of the mine.
6. The volume of water discharged to the surface from the mine, and from any part of the mine, to be abandoned during the period of at least two years prior to the date of the notice.
7. The latest information available to the operator on the extent and chemical composition of underground water in the worked areas of the mine.
8. The projected volume of water discharged to the surface from the mine, and from any part of the mine, to be abandoned for the period from the date of the notice to the date of each abandonment specified in it.
9. Proposals for the monitoring of ground water levels and the chemical composition of water in the worked areas of the mine from the date of the notice to the date of each abandonment specified in it.
10. Proposals to—
 - (a) treat, lessen or prevent the discharge of water from the mine; or
 - (b) treat water in the mine.
11. The operator's opinion as to the likelihood of any of the following matters occurring as a consequence of the abandonment:—
 - (a) the flooding of any worked areas: such areas to be shown on a plan or a schematic drawing identifying the location and extent of such workings;
 - (b) the migration of water to any other mine (whether or not abandoned) and the name of any such mine;
 - (c) the recovery levels of ground water within the mine workings being reached and the period of time within which those levels will be reached; and

(2) Section 30Y was inserted by the Environment Act 1995, section 59.

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- (d) the discharge of water on to land or into surface water and the location and chemical composition of any such discharge,

together with the information on which the opinion is based.

12. The operator’s opinion as to the volume of mine water likely to be discharged to the surface from the mine, and from any part of the mine, to be abandoned for a period of at least two years from the date of the last abandonment specified in the notice, together with the information on which the opinion is based.

PART II

NOTICES UNDER SECTION 30Z(4)(b)

1. The information prescribed in paragraphs 1, 3 to 7 and 10 to 12 of Part I of this Schedule, but—
 - (a) in paragraph 3, omitting the word “proposed”;
 - (b) in paragraph 5(b), for the words “is to be” substituting the words “has been” and for the words “it is proposed to abandon” substituting the words “has been abandoned”; and
 - (c) in paragraphs 6 and 12, after the words “part of the mine” omitting the words “to be”.
2. The nature of the emergency which necessitated the abandonment under section 30Z(4)(a).

PART III

NOTICES UNDER SECTION 30Z(5)

1. Subject to paragraph 2 below, the information prescribed in Part I of this Schedule but where the notice is given after abandonment—
 - (a) omitting paragraphs 2, 8 and 9;
 - (b) in paragraph 3, omitting the word “proposed”;
 - (c) in paragraph 5(b), for the words “is to be” substituting the words “has been” and for the words “it is proposed to abandon” substituting the words “has been abandoned”; and
 - (d) in paragraphs 6 and 12, after the words “part of the mine” omitting the words “to be”.
2. Such information as demonstrates that the operator is a person to whom section 30Z(5) applies.

SCHEDULE 2

Regulation 3

PARTICULARS PRESCRIBED FOR THE PURPOSES OF SECTION 30Z(6)

1. The name and address of the mine.
2. The name and address of the operator of the mine.
3. The nature of each abandonment or proposed abandonment, specifying (if relevant) the appropriate sub-paragraph under section 30Y(1)(a).
4. The date or dates of each abandonment or proposed abandonment.
5. The address at which the notice under section 30Z(1), (4)(b) or (5) may be inspected.
6. The provisions of section 30Z under which the notice was given.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30Z(1) of the Control of Pollution Act 1974 requires a mine operator to give notice of abandonment of a mine or part of a mine to the Scottish Environment Protection Agency at least six months before any proposed abandonment in Scotland. Section 30Z(4) and (5) contains special provisions about the notice which must be given where the mine is abandoned in an emergency or where the operator is the Accountant in Bankruptcy or the official receiver.

Regulation 2 of, and Schedule 1 to, these Regulations prescribe the information which must be contained in notices given under section 30Z. Regulation 3 and Schedule 2 prescribe particulars relative to the notice which must be published by the operator in a newspaper circulating in the locality where the mine is situated.