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STATUTORY INSTRUMENTS

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**1999 No. 2024**

**The Quarries Regulations 1999**

**PART VI**

**EXCAVATIONS AND TIPS**

**Notification of excavations and tips**

- 37.**—(1) Subject to paragraph (2), the operator shall in relation to any—
- (a) proposed excavation or tip which it is reasonable to expect will be a significant hazard;
  - (b) notifiable excavation; or
  - (c) notifiable tip other than a notifiable tip which was—
    - (i) a classified tip within the meaning of regulation 2(1) of the 1971 Regulations, and
    - (ii) in respect of which notice has been given in accordance with regulation 8(1) of those Regulations,give not less than 30 days notice (or such shorter period as the Executive may permit) to the Executive of his intention to commence or, in relation to excavations and tips falling within sub-paragraphs (b) and (c), continue, operations.
- (2) Paragraphs (1)(b) and (1)(c) shall not apply to an excavation or tip in relation to which notice of intention to commence operations has previously been given.
- (3) The 30 days notice referred to in paragraph (1) shall be given—
- (a) in the case of excavations and tips falling within paragraph (1)(a), before the commencement of operations; and
  - (b) in the case of excavations and tips falling within paragraphs (1)(b) and (1)(c), as soon as possible after the date on which the operator is notified of the geotechnical specialist's conclusions, reached in accordance with regulation 33(1)(b).
- (4) The following information shall be included in any notice given by the operator in accordance with paragraph (1)—
- (a) a brief description of the excavation or tip, including its location, size, and the material to be excavated or tipped; and
  - (b) in relation to excavations and tips falling within paragraphs (1)(b) and (1)(c), the conclusions reached by the geotechnical specialist carrying out the geotechnical assessment in accordance with paragraphs (1)(b), (c) and (d) of regulation 33.
- (5) Where the conclusion reached by a geotechnical specialist during the geotechnical assessment of an excavation or tip which has, in accordance with regulation 34(1), been subject to a geotechnical assessment at least every two years is that the excavation or tip no longer presents a significant hazard by way of instability or movement, the operator shall give notice of that conclusion and the reasons for that conclusion to the Executive within two months of the geotechnical assessment.