



Mines Act (Northern Ireland) 1969

1969 CHAPTER 6

PART XI

REGULATION OF TIPS AND FENCING OF ABANDONED AND DISUSED MINES

129 Fencing of abandoned and disused mines.

- (1) It shall be the duty of the owner of every abandoned mine and of every mine which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months to secure that the surface entrance to every shaft or outlet thereof is provided with an efficient enclosure, barrier, plug or other device so designed and constructed as to prevent any person from accidentally falling down the shaft or from accidentally entering the outlet and that every device so provided is properly maintained; but this subsection shall not apply to mines which have not been worked for the purpose of getting minerals or products thereof since 9th August, 1872, being mines other than of coal, stratified ironstone, shale or fireclay.
- (2) For the purposes of [F¹Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011], each of the following shall be deemed to be a [F²statutory nuisance] liable to be dealt with summarily in manner provided by [F³that Part], that is to say:—
 - (a) a shaft or outlet of an abandoned mine (other than a mine excepted from the application of subsection (1)) or of a mine (other than as aforesaid) which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months, being a shaft or outlet the surface entrance to which is not provided with a properly maintained device such as is mentioned in that subsection;
 - (b) a shaft or outlet of a mine excepted from the application of subsection (1), being a shaft or outlet with respect to which the following conditions are satisfied, namely,—
 - (i) that its surface entrance is not provided with a properly maintained device such as is mentioned in that subsection; and
 - (ii) that, by reason of its accessibility from a highway or a place of public resort, it constitutes a danger to members of the public.

*Changes to legislation: There are currently no known outstanding effects for the
Mines Act (Northern Ireland) 1969, Section 129. (See end of Document for details)*

- (3) Any expenses incurred, by reason of the operation of [^{F4}Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011], by a person other than the owner (as defined for the purposes of this Act) of a mine for the purpose of abating, or preventing the recurrence of, a nuisance under subsection (2) or in reimbursing a sanitary authority^{F5} in respect of the abatement, or prevention of the recurrence, of such a nuisance shall, subject to any agreement to the contrary, be recoverable by that person from the owner (as so defined) of the mine.

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| <p>F1 Words in s. 129(2) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 8(a)(i); S.R. 2012/13, art. 2(2), Sch. 2</p> <p>F2 Words in s. 129(2) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 8(a)(ii); S.R. 2012/13, art. 2(2), Sch. 2</p> <p>F3 Words in s. 129(2) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 8(a)(iii); S.R. 2012/13, art. 2(2), Sch. 2</p> <p>F4 Words in s. 129(3) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 8(b); S.R. 2012/13, art. 2(2), Sch. 2</p> <p>F5 1878 c.52 by SRO (NI) 1973/285</p> |
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