

SCHEDULES

SCHEDULE 1

Section 1.

MODIFICATIONS OF MINES AND QUARRIES ACT 1954

- 1 In paragraph (b) of section 1(1) of the principal Act (which imposes a general duty on the owner of every mine and quarry to secure compliance with the provisions of that Act, so far as applicable to the mine or quarry) and in the words following that paragraph, after the words " the mine or quarry " there shall be inserted the words " and any closed tip associated with the mine or quarry ".
- 2 In subsection (2) of section 2 of the principal Act (general duties and powers of mine managers), subsection (2) of section 11 of that Act (responsibilities of surveyors) and section 99 of that Act (general powers and duties of quarry managers) the expression " the following provisions of this Act" shall be deemed to include the provisions of Part I of this Act.
- 3 In section 89 of the principal Act (penalisation of failure to observe safety directions, etc.) after the word " support" in paragraph (a) and paragraph (b) there shall be inserted the words " or tipping " , and, notwithstanding that in the application of section 89 of the principal Act to quarries by section 115 of that Act, so much of section 89 as relates to transport or support rules is excluded, so much of section 89 as relates to tipping rules shall not be excluded.
- 4 (1) For the purposes of Part VI of the principal Act (notification and investigation of accidents and diseases) a closed tip shall be deemed to form part of the mine or quarry with which it is associated.
(2) In relation to accidents or dangerous occurrences which happen at a closed tip, any reference in section 116 of that Act to the responsible person shall be construed as a reference to the owner of the mine.
- 5 In section 135 of the principal Act (which requires that copies of the principal Act and of other instruments shall be provided at mines and quarries) after the words " this Act", in the first place where they occur, there shall be inserted the words " and of Part I of the Mines and Quarries (Tips) Act 1969 " and after the words " support rules " there shall be inserted the words " tipping rules ".
- 6 (1) For the purposes of sections 145 and 146 of the principal Act (general powers of inspectors and power of an inspector to require remedy for immediate or apprehended danger) a closed tip shall be deemed to form part of the mine or quarry with which it is associated.
(2) In section 145(2) of the principal Act (penalties relating to powers of inspectors) after the words " this section " in paragraph (a) and the words " the foregoing subsection" in paragraph (b) there shall be inserted the words " or subsections (4) and (5) of section 3 of the Mines and Quarries (Tips) Act 1969 " .
(3) In so far as a notice under section 146 of the principal Act relates to, or to any matter, thing or practice at, a closed tip, any reference in that section to the responsible person shall be construed as a reference to the owner of the mine.

Status: This is the original version (as it was originally enacted).

- 7 For the purposes of Part XIV of the principal Act (offences, penalties and legal proceedings) a closed tip shall be deemed to form part of the mine or quarry with which it is associated.