
STATUTORY INSTRUMENTS

1998 No. 892

WATER RESOURCES, ENGLAND AND WALES

The Mines (Notice of Abandonment) Regulations 1998

Made - - - - *18th March 1998*
Laid before Parliament *1st April 1998*
Coming into force - - *1st July 1998*

The Secretary of State for the Environment, Transport and the Regions and the Secretary of State for Wales, acting jointly in exercise of the powers conferred upon them by section 91A and section 91B(2), (4)(b), (5) and (6) of the Water Resources Act 1991(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation, commencement and interpretation

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

(2) In these Regulations references to sections are to sections of the Water Resources Act 1991.

Prescribed information

2. A notice given to the Agency under—

- (a) section 91B(1);
- (b) section 91B(4)(b); or
- (c) section 91B(5);

shall contain the information prescribed in paragraph 1, 2 or 3 respectively of Schedule 1 to these Regulations.

Prescribed particulars

3. Where a person gives a notice referred to in regulation 2 he shall publish in one or more local newspapers circulating in the locality where the mine is situated the particulars prescribed in Schedule 2 to these Regulations.

(1) 1991 c. 57; sections 91A (cited for the definitions of “prescribed” and “regulations”) and 91B were inserted by section 58 of the Environment Act 1995 (c. 25). See also section 221(7) of that Act as respects joint exercise of powers.

Status: This is the original version (as it was originally made).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

Signed by authority of the Secretary of State

11th March 1998

Michael Meacher
Minister of State,
Department of the Environment, Transport and
the Regions

18th March 1998

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

SCHEDULE 1

Regulation 2

INFORMATION PRESCRIBED UNDER SECTION 91B(1), (4)(b) AND (5)

Information for notice of abandonment under section 91B(1)

- 1.—(1) The name and address of the operator and, if different, the owner of the mine.
- (2) Details of any changes to the names and addresses referred to in sub-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) the appropriate sub-paragraph or sub-paragraphs under section 91A(1)(a).
- (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, for the 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 groundwater 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
 - (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 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

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

the date of the last abandonment specified in the notice, together with the information on which the opinion is based.

Information for notice following an emergency under section 91B(4)(b)

- 2.—(1) The information prescribed in paragraph 1(1), (3) to (7) and (10) to (12) above, but—
 - (a) in paragraph 1(3) omitting the word “proposed”;
 - (b) in paragraph 1(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”;
 - (c) in paragraph 1(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 91B(4)(a).

Information for notice from official receiver or Accountant in Bankruptcy under section 91B(5)

- 3.—(1) Subject to sub-paragraph (2) below the information prescribed in paragraph 1 above but where the notice is given after the abandonment—
 - (a) omitting paragraph 1(2), (8) and (9);
 - (b) in paragraph 1(3) omitting the word “proposed”;
 - (c) in paragraph 1(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 paragraph 1(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 91B(5) applies.

SCHEDULE 2

Regulation 3

PARTICULARS PRESCRIBED UNDER SECTION 91B(6)

1. The name and address of the mine.
2. The name and address of the operator.
3. The nature of each abandonment or proposed abandonment, specifying (if relevant) the appropriate sub-paragraph or sub-paragraphs under section 91A(1)(a).
4. The date or dates of each abandonment or proposed abandonment.
5. The address at which the notice under section 91B(1), (4)(b) or (5) may be inspected.
6. The provisions of section 91B under which the notice has been served.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 91B requires a mine operator to give notice of abandonment of a mine or part of a mine to the Environment Agency at least six months before any proposed abandonment.

Regulation 2 and Schedule 1 to these Regulations prescribe the information that must be contained in the notice of proposed abandonment or abandonment under section 91B(1), (4)(b) (notice following an emergency) or (5) (notice given by the official receiver or the Accountant in Bankruptcy).

Regulation 3 and Schedule 2 to these Regulations contain the particulars which the mine operator is required to publish in a local newspaper in relation to a notice under regulation 2.