

Disused Mine and Quarry Tips (Wales) Bill Bill Summary

December 2024



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Welsh Parliament
Tŷ Hywel
Cardiff Bay
CF99 1SN

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Disused Mine and Quarry Tips (Wales) Bill

Bill Summary

December 2024

Author:

Chloe Corbyn

This summary provides an overview of the provisions of the Disused Mine and Quarry Tips (Wales) Bill that was introduced into the Senedd on 9 December 2024.



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1. Introduction

The Welsh Government introduced the ***Disused Mine and Quarry Tips (Wales) Bill*** into the Senedd on 9 December 2024.

The overarching aim of the Bill is to protect human welfare by introducing a “consistent and robust system of assessment, registration, management, monitoring and oversight of disused tips in Wales”.

The Explanatory Memorandum (EM) says:

The new regime will protect human welfare, safeguard communities and protect Wales’s critical infrastructure through the establishment of a new public body that will have functions in relation to the assessment, registration, monitoring and management of tips.

The Bill includes:

- **Establishment of a new Welsh Government Sponsored body**, the Disused Tips Authority for Wales (‘the Authority’), to implement the new regime, aiming to ensure that disused tips do not threaten human welfare by reason of their instability.
- Development and maintenance of a **national register of disused tips** which pose a threat, or could pose a threat, to human welfare due to instability.
- A new national approach to the **categorisation of tips**, underpinned by a full assessment for each site where a preliminary assessment determines that registration may be appropriate.
- A **duty to monitor registered tips**.
- Powers for the Authority to **require an owner or owners of any land to undertake operations** to prevent or deal with threats to the stability of a disused tip or to stabilise a tip to prevent it from becoming more unstable.
- Powers for the Authority to **undertake operations** on any land to prevent or deal with threats to the stability of a disused tip or to stabilise a disused tip to prevent it becoming more unstable. It will also be able to **recover expenses** from the owners for costs in connection with actions or operations and works of reinstatement reasonably necessary in consequence of those operations.
- Obstructing monitoring assessments or activities under the Bill constitute a **criminal offence**. The Bill also contains provisions relating to powers of entry and powers allowing the Authority to require information and documents from certain bodies.

The Bill follows a 2022 [White Paper consultation on coal tip safety](#). This was informed by a [Welsh Government commissioned report from the Law Commission](#), which reviewed the legislative framework on coal tip safety.

The White Paper consultation focused on coal tips. However, it also considered whether the new regime should be developed in a way that enabled the phasing in of non-coal tips over time. Whilst not specifically addressed in the Bill, the Regulatory Impact Assessment (RIA) outlines the process for phasing in non-coal tips.

The Bill is currently subject to the Senedd's legislative process. The Cabinet Secretary for Climate Change, Environment and Rural Affairs, Huw Irranca-Davies MS, appeared before the [Climate Change, Environment and Infrastructure Committee](#) on 12 December 2024. The Committee is currently consulting on the Bill, and will be holding further evidence sessions in the new year. The Legislation, Justice and Constitution Committee and Finance Committee will also be considering the Bill.

How to use this Bill Summary

This document is not an exhaustive summary of every aspect of the Bill. It is designed to be used electronically and signpost to further detail.

In the summary of provisions sections, the section number text (e.g. section 1) links to the relevant section of the Bill. The text that follows contains a link to the explanatory notes where further detail can be found. There are also links to other relevant information.

2. The Bill at a glance

The Bill has 88 sections, arranged into five parts and has three schedules:

- **Part 1** – The Disused Tips Authority for Wales.
- **Part 2** – Assessment, registration and monitoring of disused tips.
- **Part 3** – Dealing with tip instability and threats.
- **Part 4** – Supplementary.
- **Part 5** – General.
- **Schedule 1** – The Disused Tips Authority for Wales.
- **Schedule 2** – Claims for compensation by owners and contributories.
- **Schedule 3** – Modifications of sections 49 and 50 where a notice under section 33 is cancelled.

The EM includes a table setting out the Welsh Government’s powers under the Bill to make subordinate legislation and the justification for such powers.

It also contains an RIA setting out the costs and benefits of the proposals in the Bill.

3. Summary of provisions

Part 1 – The Disused Tips Authority for Wales

Establishment and main objective

Section 1 establishes the Disused Tips Authority for Wales (‘the Authority’).

Section 2 outlines the Authority’s main objective when exercising its functions under the Bill, which is to “ensure that **disused tips** do not threaten **human welfare** by reason of their instability”. In pursuance of this objective, the Authority must promote high standards in relation to the management of disused tips and threats to their stability.

General functions

Section 3 states the Authority must provide information, advice and assistance to the Welsh Ministers, and may also give information, advice and assistance to any other person on any matter relating to disused tips (for which it may charge a fee).

Section 4 outlines that, with consent of the Welsh Ministers, it can give financial assistance to any person in respect of relevant expenditure, either by grant or loan, and subject to conditions.

Section 5 states the ancillary functions of the Authority, saying it “may do anything which is calculated to facilitate, or which is conducive or incidental to, the exercise of its functions”.

Part 1 also introduces Schedule 1, which makes further provision about the Authority.

Part 2- Assessment, registration and monitoring of disused tips

Register of disused tips

Section 6 places a duty on the Authority to compile and maintain an electronic register of disused tips that it decides pose a threat to human welfare by reason of instability, or could pose such a threat in the event of instability.

Section 7 outlines the criteria for registration, these being that a tip does or could pose a threat to human welfare by reason of instability.

Section 8 sets out items which must be included in the register for a disused tip. In addition to a map of the tip area:

- a. the name or names by which the tip is commonly known;
- b. the location of the tip;
- c. a unique identifier given to the tip by the Authority;
- d. the tip’s category;
- e. the date of the most recent tip inspection (if any); and
- f. any additional information specified by regulations made by the Welsh Ministers.

Section 9 covers public access to the register. The Authority must ensure the maps and information on the register (other than any information specified by regulations under the bullet point (f) above) can be accessed electronically by members of the public at all reasonable times.

Section 10 places a duty on the Authority to monitor the stability, and threats to the stability, of each disused tip in the register, by carrying out any inspections or other monitoring activities it considers appropriate.

Assessment of disused tips

Section 11 requires the Authority to carry out:

- a. a preliminary assessment of disused tips not in the register, to identify those tips that may need to be included in it;
- b. a full assessment of those tips identified by a preliminary assessment as ones that may need to be included in the register; and
- c. in certain circumstances, a full assessment of tips already in the register.

Section 12 defines a preliminary assessment as an assessment of whether it appears that the criteria for registering a disused tip may be met.

Section 13 outlines the process for preliminary assessments of all disused tips. It states the Authority must carry out a preliminary assessment in relation to every disused tip, and produce a report of each assessment. It must prepare a programme which sets out its proposed approach to, and proposed timetable for, carrying out the required preliminary assessments. The programme must be approved by the Welsh Ministers and published.

Section 14 applies where a preliminary assessment has been carried out, but the Authority considers that an additional preliminary assessment should be undertaken. This may be due to a change in circumstances or because information is available that was not taken into account when the previous assessment was carried out.

Section 15 defines a full assessment as an assessment of:

- a. the stability of the tip;
- b. matters affecting, or with the potential to affect, the stability of the tip (including any interdependencies between the tip and another tip);
- c. whether any interdependencies between the tip and another disused tip could affect the stability of the other tip; and
- d. whether the criteria for registration are met.

Section 16 outlines the process for determining if a full assessment should be undertaken on an unregistered tip. If, on the basis of a preliminary assessment, it appears to the Authority that the criteria for registering a disused tip may be met, it must carry out a full assessment of the tip and produce a report.

Section 17 applies where the Authority considers a full assessment ought to

be carried out on a disused tip already on the register because of a change in circumstances, or the availability of new information. In such circumstances the Authority must carry out an additional full assessment and produce a report.

Section 18 outlines that, before carrying out a full assessment in relation to a disused tip, the Authority must give a notice to every owner and every occupier of the land to which access is required. The notice must:

- a. state the Authority has arranged a full assessment of the tip;
- b. state the name of the individual who will carry out the assessment;
- c. explain that access to the land may be needed;
- d. specify the date access to the land may be needed; and
- e. state the Authority may, unless the land is Crown land, apply for a warrant to enter the land if access is refused.

Section 19 states that, when the Authority produces a full assessment report, it must (as soon as practicable) give notice of the conclusions of the report to every owner and every occupier of the land on which the tip is situated.

Registering and deregistering disused tips

Section 20 deals with proposals to register a tip, where a full assessment concludes that the criteria for registering a disused tip may be met. The Authority must give notice that it proposes to include the tip in the register to every owner and occupier of the land on which the tip is situated, and any other person who has an estate or interest in that land (other than as a mortgagee). The notice must identify the tip (including a map) and:

- explain the Authority is proposing to register the tip and the reasons why;
- specify the tip category it is proposing and its reasons why;
- specify the period of making representations to the Authority, and explain how representations may be made.

Section 21 outlines the decision on registration, once the period for making representations about a proposal has ended. The Authority must decide whether the criteria for registering a tip are met – and if so, it must be included in the register as soon as possible. It must provide a decision notice to the same people it was required to notify previously.

Section 22, proposal to remove a tip from the register, applies where a report of a

full assessment of an already registered tip concludes the criteria for registration are no longer met. The process is the same as under section 20 in terms of who must be notified.

Section 23 sets out the process for a decision on removing a tip from the register.

The categories of disused tip

Section 24 outlines the four categories in which a disused tip in the register may be placed: 1, 2, 3 or 4. Category 1 are those tips causing the most concern, and Category 4 the least. The categories are based on four criteria: the tip's instability, potential instability, threat to human welfare posed by instability, and the threat it could pose to human welfare in the event of instability.

Section 25 requires the Authority to publish its policy on the categorisation of disused tips.

Section 26 specifies that, for the initial categorisation of a disused tip, the Authority must have regard to the full assessment report, the policy under section 25, and any other information it considers relevant.

Section 27 addresses reviews of categorisation. Where the Authority carries out a full assessment under section 17, and the assessment concludes the criteria for registration continue to be met, the Authority must review the tip's category as soon as practicable. It may also review a tip's category at any other time.

Notifiable changes to the register

Section 28 defines 'notifiable change' as a change to the area of a disused tip on a map in the register, or a change to a disused tip's category.

Section 29 states that if the Authority proposes to make notifiable change, it must give notice of the proposal to every owner and every occupier of the land where the tip is situated, and any other person who has an estate or interest in the land. It outlines the information a notice of proposed change must include.

Section 30 sets out information on the decision on a notifiable change, including the what must be taken into account and the contents of a decision notice.

Supplementary provision

Section 31 outlines the circumstances in which compensation for damage or disturbance can be recovered from the Authority. Where inspection or monitoring activity, or a preliminary or full assessment, is carried out and this damages land or property, or disturbs enjoyment of the land, compensation can be claimed.

Section 32 sets out that a person who intentionally obstructs or interferes with inspection or monitoring activity, or a preliminary or full assessment, commits an offence, liable on summary conviction to a fine.

Part 3 - Dealing with tip instability and threats to tip stability

Requiring an owner of land to carry out operations

Section 33 empowers the Authority to require the owner of land to carry out operations to prevent or deal with threats to the stability of disused tips, or to stabilise disused tips to prevent them becoming more unstable, so as to prevent threats to human welfare.

Section 34 makes provisions about the owner's right to enter their land to carry out such operations, where the owner is not the occupier of the land.

Section 35 requires the Authority to give interested parties copies of any notice requiring the owner to carry out such operations.

Sections 36 to 41 cover related matters, such as rights of appeal against a notice, the penalty for failure to comply with a notice, cancellation of a notice and the associated reimbursement of expenses.

Operations carried out by the Authority

Section 42 empowers the Authority to carry out operations on land to prevent or deal with threats to the stability of disused tips, or to stabilise disused tips to prevent them becoming more unstable, so as to prevent threats to human welfare.

Section 43 outlines the Authority's right to, for the purpose of carrying out operations or consequential works of reinstatement on land, remove and dispose of any property situated on the land that belongs to another person. It must give the owner the proceeds from any sale.

Section 44 outlines the Authority must give the owner of the land at least 21 days'

notice that it intends to carry out operations on land. It sets out the content of such a notice, including the threat to human welfare the operations are intended to avoid or reduce. If the Authority determines the works need to be carried out immediately, it can commence works without giving notice, but must give notice the works have started as soon as practicable.

Section 45 places a duty on the Authority to also give a notice to any other person with an interest in the notice. These persons are listed in this section.

Payments in connection with operations

Section 46 covers contribution orders. It outlines that certain persons must contribute towards the expenses that an owner of land would otherwise have had to bear as a result of carrying out the operations specified in a notice under sections 33 or 44. These include a person who had an estate or interest in the land on the day on which the notice was given to the owner, or at any time in the 12 years prior, It also includes a person who in the preceding 12 years had used the disused tip to deposit waste from a mine or quarry. It outlines who may make an application, and the information the court should take into account when determining it.

Section 47 specifies the meaning of a ‘contribution order’, ‘contributory’ and ‘the specified percentage’.

Section 48 addresses compensation for damage, loss or disturbance caused by operations carried out by the owner or the Authority. Such compensation is recoverable from either the owner of the land (if they carried out the operations or works) or the Authority (if it did).

Section 49 outlines the owner’s right to recover expenses from a contributory, and the specified percentage and process.

Section 50 explains the right of a contributory to appeal against an owner’s demand, including the timescales and grounds for an appeal.

Section 51 sets out the Authority’s entitlement to recover expenses from the owner of the land, where it has undertaken investigations and operations.

Section 52 outlines the right to appeal against the Authority’s demand for expenses (in section 51). This includes the timescales and grounds for such an appeal.

Supplementary provision

Section 53 empowers the Authority to carry out investigations on land to determine whether operations are required (under section 33) or whether operations are being carried out in compliance with a notice (under section 33).

Section 54 sets out the penalties for intentionally obstructing operations.

Part 4 - Supplementary

Information sharing

Section 55 relates to information sharing, and sets out the meaning of 'relevant public authority'.

Section 56 outlines the Authority's power to require relevant public authorities to give it information, for the purpose of exercising its functions.

Section 57 sets out the duties of the Authority and relevant public bodies to share information. If a public authority becomes aware of a threat to the stability of a disused tip, or evidence of its instability, and considers this should be shared with the Authority, it must give the information to the Authority as soon as possible. The same applies if the Authority becomes aware of such information and considers it should be brought to the attention of a relevant public authority.

Section 58 covers information about estates or interests in land. It empowers the Authority to require an occupier or a person who receives rent for a piece of land to confirm in writing the nature of their estate or interest in the land. Additionally, if they know of someone else who has an estate or interest in the land they need to provide their name and contact details.

Section 59 applies to an estate or interest in Crown land which is not a private interest. The Authority may request the appropriate Crown authority to confirm the nature of its estate or interest in the land, and the contact details of any other person who may have an estate or interest in the land.

Section 60 covers information to identify or assess threats to the stability of a disused tip. It enables the Authority to require persons to give it information that will help it identify a threat to the stability of a tip, or to assess its stability.

Section 61 makes clear a person commits an offence if they don't provide the information requested under section 58 or 60.

Powers of entry

Section 62 relates to powers of entry. It says an authorised person may enter land for the purpose of doing one of a specific list of things (included in this section) on behalf of the Authority. The list includes assessments, inspection, monitoring and works.

Section 63 states an authorised person may not (under section 62) demand admission as of right to any land which is occupied, unless at least 48 hours' notice has been given to the occupier. This does not apply if the Authority believes the tip is unstable, and the instability of the tip poses a threat to human welfare that requires immediate entry. An authorised person may not demand admission as of right to residential land.

Section 64 makes clear a justice of the peace may, on application by the Authority, issue a warrant allowing an authorised person to enter land, if necessary by force.

Section 65 provides that a warrant under section 64 can confer a power to enter land at a reasonable time. However, this does not apply if a disused tip is unstable, and poses a threat to human welfare that requires immediate entry.

Section 66 states a person who intentionally obstructs with the exercise of a warrant commits an offence.

Section 67 outlines that an authorised person may not enter Crown land under section 62 unless the appropriate Crown authority has given them permission to do so, or the Authority believes a disused tip is unstable and poses a threat to human welfare that requires immediate entry to the land. However, an authorised person may not demand admission as of right to any part of Crown land that is residential land.

Miscellaneous

Section 68 outlines that the Authority may provide administrative, professional or technical services to any devolved Welsh authority, and may charge a fee for this service.

Section 69 states that in exercising its functions, the Authority must have regard to guidance given to it by the Welsh Ministers.

Section 70 lists amendments to the Mines and Quarries (Tips) Act 1969. These make changes to the legislation to differentiate arrangements in Wales by

specifically referencing England and Scotland.

Part 5- General

Offences

Section 71 covers offences by bodies corporate. Where an offence is committed by a body corporate, and is proved to have been committed with the consent/ attribution to senior officer of the body, or someone purporting to be one, then both the person and the body are guilty of the offence.

Section 72 sets out that proceedings in respect of an offence may only be brought by the Authority or by/with consent of the Director of Public Prosecutions.

Regulations

Section 73 empowers the Welsh Ministers, by regulations, to make supplementary, incidental or consequential provisions, and transitional or saving provision.

Section 74 sets out that regulations under the Act will be made by statutory instrument, and describes which provisions will be subject to the negative and to the affirmative procedure in the Senedd.

Giving notices and other documents

Section 75 contains general provision about giving notices, specifically by defining what is meant by 'give' – for example, handing it, sending it by post, or by email.

Section 76 contains additional provision about giving notices to persons occupying or interested in land.

Section 77 states that when notices are to be given to the Crown, this means they must be given to the appropriate Crown authority.

Special cases

Section 78 sets out provisions related to raising money in particular cases to meet expenditure. This includes expenses incurred under a section 33 notice, compensation recoverable under section 48, and sums recoverable under sections 49 and 51.

Section 79 states where a provision requires a document to be given to a person

as an occupier or owner of land which belongs to the Church of England, this must also be given to the appropriate Diocesan Board of Finance. It also outlines compensation payable in respect of Church of England land.

Section 80 states the Welsh Ministers may, by regulations, modify the application of the Act in relation to land in which the Authority has an estate or interest.

Interpretation

Section 81 provides the meaning of ‘tip’ and ‘disused tip’. In relation to the latter, this is defined by reference to tips other than one to which the *Quarries Regulations 1999* and the *Mines Regulations 2014* applies.

Section 82 specifies the meaning of ‘threat to human welfare’.

Section 83 specifies the meaning of ‘owner’.

Section 84 outlines definitions relating to the Crown.

Section 85 specifies the meaning of ‘the court’ and ‘operations’.

Section 86 contains an index of defined terms.

Miscellaneous

Section 87 sets out when parts of the Act come into force. Sections 1, 2 and 5 and Schedule 1 come into force on 1 April 2027.

Section 88 outlines the Act’s short title as the *Disused Mine and Quarry Tips (Wales) Act [2025]*.

Schedule 1 – The Disused Tips Authority for Wales

Schedule 1 specifies the particulars of the Authority, including membership, staff, delegation of functions, financial matters including audit, and reporting requirements.

Schedule 2 – Claims for compensation by owners and contributories

Schedule 2 makes provision for claims by owners or contributories for compensation. “Contributories” are persons in relation to whom a contribution order has been made under section 46.

Schedule 3 - Modifications of sections 49 and 50 where a notice under section 33 is cancelled

Schedule 3 sets out modifications that will apply to sections 49 and 50 where the Authority cancels a notice it has given to an owner under section 33.