



# Mines and Quarries (Tips) Act 1969

## 1969 CHAPTER 10

### PART II

#### PREVENTION OF PUBLIC DANGER FROM DISUSED TIPS

#### **20 Compensation for damage or disturbance**

- (1) Subject to the following provisions of this section, where, as a result of remedial operations carried out by the owner of a disused tip in pursuance of a notice under section 14 or of exploratory tests or remedial operations carried out by a local authority under section 17(1).—
  - (a) any land on which entry is made for the purpose of carrying out those operations or tests is damaged, or
  - (b) any person is disturbed in his enjoyment of any land,any person interested in the land which is damaged or, as the case may be, the person whose enjoyment of land is disturbed shall be entitled to recover compensation under this section in respect of that damage or disturbance.
- (2) Subject to the following provisions of this Part of this Act.—
  - (a) compensation for damage or disturbance resulting from the carrying out of exploratory tests shall be recoverable from the local authority which carried out the tests; and
  - (b) compensation for damage or disturbance resulting from the carrying out of remedial operations shall be recoverable from the owner of the disused tip by whom, or, as the case may be, the local authority by which, the operations were carried out.
- (3) Nothing in this section shall entitle the owner of a disused tip to compensation in respect of damage or disturbance resulting from remedial operations carried out by him or by any other person who was the owner of the disused tip at the time the remedial operations were carried out.
- (4) Subsections (1) to (3) shall apply in relation to damage or disturbance resulting from the carrying out of works of reinstatement consequential upon any remedial operations

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*Status: This is the original version (as it was originally enacted).*

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and accordingly any reference in those subsections to remedial operations includes a reference to consequential works of reinstatement.

- (5) Any dispute arising on a claim for compensation under this section shall be determined by the court.
- (6) The provisions of Schedule 3 to this Act shall have effect in relation to any claim for compensation under this section by the owner of a disused tip or by a contributory.