



Mines And Quarries (Tips) Act 1969

1969 CHAPTER 10

PART II

PREVENTION OF PUBLIC DANGER FROM DISUSED TIPS

24 Appeals against demands under s. 23.

- (1) Within the period of six weeks beginning with the date of the service on the owner of a disused tip or on a contributory of a demand under section 23(4), the person on whom the demand was served may apply to the court for an order varying or cancelling the demand on any one or more of the grounds specified in subsection (2) or subsection (3), whichever is appropriate to the case in question.
- (2) Where the demand referred to in subsection (1) is made in a case falling within section 23(1), the grounds on which an application may be made under this section are—
 - (a) that the amount of the expenses incurred by the local authority in carrying out exploratory tests or remedial operations was greater than was reasonable;
 - (b) that the amount of the expenses incurred by the local authority in carrying out works of reinstatement was greater than was reasonably necessary to reinstate the land in consequence of the remedial operations;
 - (c) that, at the time the remedial operations were begun, there was no reasonable ground for believing that the disused tip concerned was unstable or that, by reason of instability, the tip constituted or was likely to constitute a danger to members of the public;
 - (d) that the remedial operations carried out by the local authority were more extensive than was necessary to secure the safety of members of the public;
 - (e) that, because the time taken by the local authority to carry out the exploratory tests or the remedial operations or any consequential works of reinstatement was unreasonably long, the compensation paid or payable to any person in pursuance of a claim under section 20 in respect of damage or disturbance is greater than it would otherwise have been;

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Mines And Quarries (Tips) Act 1969, Section 24. (See end of Document for details)*

- (f) that the amount of the compensation paid or payable to any person in pursuance of a claim under section 20 is greater than is necessary to compensate him in respect of any damage or disturbance suffered;
 - (g) that, in the case of a demand served on a contributory, the amount claimed in the demand is greater than the specified percentage of the total amount recoverable by the local authority under section 23(1);
 - (h) that, in the case of a demand served on the owner of the disused tip concerned, the amount claimed in the demand does not give proper allowance for any sum or sums which the local authority is entitled to recover from any contributory or contributories.
- (3) Where the demand referred to in subsection (1) is made in a case falling within section 23(2), the grounds on which an application may be made under this section are—
- (a) that the amount of the expenses incurred by the local authority in carrying out the exploratory tests in question was greater than was reasonable;
 - (b) that, because the time taken by the local authority to carry out the exploratory tests was unreasonably long, the compensation paid or payable to any person in pursuance of a claim under section 20 in respect of damage or disturbance is greater than it would otherwise have been;
 - (c) that the amount of the compensation paid or payable to any person in pursuance of a claim under section 20 is greater than is necessary to compensate him in respect of any damage or disturbance suffered;
 - (d) that, in the case of a demand served on a contributory, the amount claimed in the demand is greater than the specified percentage of the total amount recoverable by the local authority under section 23(2);
 - (e) that, in the case of a demand served on the owner of the disused tip concerned, the amount claimed in the demand does not give proper allowance for any sum or sums which the local authority is entitled to recover from any contributory or contributories.
- (4) If on an application under this section the court is satisfied that the ground, or any of the grounds, of the application is made out, the court may make an order either cancelling the demands in respect of which the application was made or reducing the amount recoverable from the person on whom that demand was served to such amount as the court thinks fit.
- (5) Subject to the right to make an application under this section, a demand under section 23(4) shall be final and conclusive.

Changes to legislation:

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