



# Mines And Quarries (Tips) Act 1969

## 1969 CHAPTER 10

### PART II

#### PREVENTION OF PUBLIC DANGER FROM DISUSED TIPS

#### 13 Right of entry to carry out exploratory tests, etc.

- (1) Subject to the following provisions of this section, a person duly authorised in writing by a local authority may at any reasonable time enter upon the land on which a disused tip is situated or upon any neighbouring land—
- for the purpose of investigating whether any instability of the tip might constitute a danger to members of the public;
  - for the purpose of carrying out any operations (in this Part of this Act referred to as “exploratory tests”) which, in the opinion of the local authority, are necessary to determine whether the tip is unstable; and
  - for the purpose of inspecting any operations which are being carried out on that land where those operations may affect the stability of the tip;
- but, subject to the following provisions of this section, a person so authorised shall not demand admission as of right to any land which is occupied unless at least forty-eight hours’ notice in writing of the intended entry has been given to the occupier.
- (2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
- that admission to any land which any person is entitled to enter under this section has been refused to that person, or that a refusal is apprehended, or that the occupier is temporarily absent, and
  - that there is reasonable ground for entry on to the land for the purpose for which entry is required.

the justice may by warrant under his hand authorise that person to enter the land, if need be by force; but such a warrant shall not be issued on the ground that entry has been refused or that a refusal of entry is apprehended unless the justice is satisfied that notice in writing of the intention to apply for a warrant has been given to the occupier.

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*Changes to legislation: There are currently no known outstanding effects for the  
Mines And Quarries (Tips) Act 1969, Section 13. (See end of Document for details)*

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- (3) Every warrant granted under this section shall continue in force until the purpose for which the entry is required has been satisfied.
- (4) If a local authority has reasonable ground for believing that a disused tip is unstable and that possible danger to members of the public requires an immediate entry on to any such land as is referred to in subsection (1) for one or more of the purposes specified in that subsection, a person duly authorised in writing by the local authority may, at any time and without giving notice or obtaining a warrant under this section, enter upon the land for that purpose (or those purposes).
- (5) A person duly authorised to enter on any land by virtue of this section shall, if so required, produce evidence of his authority before so entering and may take with him on to the land such other persons and such equipment as may be necessary.
- (6) Any person who wilfully obstructs a person entitled to enter land by virtue of this section shall be liable on summary conviction to a fine not exceeding [<sup>F1</sup>£50][<sup>F1</sup>level 3 on the standard scale] or, on a second or subsequent conviction, to a fine not exceeding [<sup>F1</sup>£100][<sup>F1</sup>level 3 on the standard scale].
- (7) In the application of this section to Scotland—
- (a) for any reference to a justice of the peace there shall be substituted a reference to the sheriff, or a magistrate or justice of the peace, having jurisdiction in the place where the land is situated;
  - (b) for the reference to sworn information in writing there shall be substituted a reference to evidence on oath.

#### **Textual Amendments**

- F1** Words “level 3 on the standard scale” substituted (S.) for “£50 and £100” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#)

#### **Modifications etc. (not altering text)**

- C1** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 35](#) (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

**Changes to legislation:**

There are currently no known outstanding effects for the Mines And Quarries (Tips) Act 1969, Section 13.