



# Mines And Quarries (Tips) Act 1969

## 1969 CHAPTER 10

### PART II

#### PREVENTION OF PUBLIC DANGER FROM DISUSED TIPS

#### 15 Appeals against notices under s. 14.

- (1) A person on whom is served a notice or a copy of a notice under section 14 may, within the period of twenty-one days beginning with the date of service of the notice on the owner, apply to the court for an order varying or cancelling the notice on any one or more of the following grounds, namely,—
  - (a) that there is no reasonable ground for believing that the tip is unstable or that, by reason of instability, the tip constitutes or is likely to constitute a danger to members of the public;
  - (b) that the remedial operations specified in the notice are more extensive than is necessary to secure the safety of members of the public;
  - (c) that the stability of the tip could be ensured by the carrying out of operations different, in whole or in part, from the remedial operations specified in the notice and that the owner is prepared to undertake those alternative operations;
  - (d) that the owner or some other person has already begun, or has entered into a contract with a third party to begin, operations different, in whole or in part, from the remedial operations specified in the notice and those alternative operations will ensure the stability of the tip;
  - (e) that the time within which the remedial operations are to be carried out is not reasonably sufficient for the purpose;
  - (f) that there is some defect or error in, or in connection with the notice.
- (2) If and so far as an application under this section is based on the ground of some defect or error in or in connection with the notice, the court shall dismiss the application if it is satisfied that the defect or error was not material.
- (3) Subject to subsection (2), if the court is satisfied on an application under this section that the ground, or any of the grounds, of the application is made out, the court may make an order varying or, if the court thinks fit, cancelling the notice; and where a

---

**Changes to legislation:** *There are currently no known outstanding effects for the Mines And Quarries (Tips) Act 1969, Section 15. (See end of Document for details)*

---

notice is varied under this section the notice and any copy thereof which has been served under section 14(4) shall be deemed always to have had effect as so varied.

- (4) Where an application is made under this section and is not withdrawn, the period specified in the notice in question as the period within which the remedial operations are to be carried out shall not expire before the application is finally determined; and where on an application under this section the court is not satisfied that the ground, or any of the grounds, of the application is made out, the court may nevertheless by order extend the period specified in the notice as the period within which the remedial operations are to be carried out.

**Changes to legislation:**

There are currently no known outstanding effects for the Mines And Quarries (Tips) Act 1969, Section 15.