



Mines And Quarries (Tips) Act 1969

1969 CHAPTER 10

PART II

PREVENTION OF PUBLIC DANGER FROM DISUSED TIPS

18 Right of entry to carry out remedial operations and works of reinstatement.

- (1) Where a local authority has served a notice under section 17(2) of its intention to carry out remedial operations in relation to a disused tip or where no such notice has been served but section 17(3) applies, a person duly authorised in writing by the local authority may at any reasonable time enter upon the land on which the disused tip is situated or upon any neighbouring land for any purpose connected with the carrying out of remedial operations or consequential works of reinstatement; 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 twenty-four 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—
- (a) 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
 - (b) 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.

- (3) Every warrant granted under this section shall continue in force until the purpose for which the entry is required has been satisfied.
- (4) Notwithstanding anything in subsection (1), in a case falling within section 17(3), a person duly authorised in writing by the local authority concerned may exercise the

*Changes to legislation: There are currently no known outstanding effects for the
Mines And Quarries (Tips) Act 1969, Section 18. (See end of Document for details)*

right of entry conferred by subsection (1) without giving notice or obtaining a warrant under this section.

- (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 [^{F1}£50][^{F1}level 3 on the standard scale] or, on a second or subsequent conviction, to a fine not exceeding [^{F1}£100][^{F1}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 18.