



Mines And Quarries (Tips) Act 1969

1969 CHAPTER 10

PART II

PREVENTION OF PUBLIC DANGER FROM DISUSED TIPS

19 Contribution orders.

- (1) Where a notice relating to remedial operations at a disused tip has been served on the owner of the tip under section 14 or section 17 and an application is made to the court under this section, the court may order that a contribution towards the expenses otherwise falling to be borne by the owner of the disused tip as a result of the carrying out of the remedial operations shall be made by any one or more of the following persons on whom notice of the application has been served, namely,—
 - (a) any person who at the date of the service of the notice under section 14 or section 17 had an estate or interest, otherwise than as a mortgagee, in the land on which the tip is situated and any person who had such an estate or interest at any time within the period of twelve years immediately preceding that date;
 - (b) any other person who has, at any time within that period, used the tip for the purpose of the deposit of refuse from a mine or quarry; and
 - (c) any other person who, in the opinion of the court, has at any time within that period caused or contributed to the instability of the tip by the carrying out of any operations on the tip, on the land on which it is situated or on neighbouring land or by failing to take any steps which he might reasonably have taken to prevent the tip from becoming unstable.
- (2) An application under this section may be made by the owner of the disused tip on whom has been served the notice referred to in subsection (1) and, in the case of a notice under section 17, such an application may also be made by the local authority which served the notice.
- (3) An application under this section shall be of no effect unless it is made within the following period namely,—

*Changes to legislation: There are currently no known outstanding effects for the
Mines And Quarries (Tips) Act 1969, Section 19. (See end of Document for details)*

- (a) where the application relates to a notice under section 14 and no application is made in respect of the notice under section 15, the period of three months beginning with the date of service of that notice on the owner; and
 - (b) where the application relates to a notice under section 14 in respect of which an application is made under section 15, the period beginning with the date of service of that notice on the owner and ending three months after the date on which the application under section 15 is withdrawn or finally determined; and
 - (c) where the application relates to a notice served under section 17, the period of three months beginning with the date of service of that notice on the owner of the disused tip.
- (4) In determining whether to make an order under this section requiring any person to make a contribution or what is to be the amount of any such contribution the court shall have regard to all the circumstances of the case and, in particular,—
- (a) to the extent to which it appears to the court that that person has, by any act or omission, caused or contributed to the instability of the tip;
 - (b) to the extent to which that person has used the tip for the deposit of refuse;
 - (c) to the nature and extent of any estate or interest which that person had, at the date of the service of the notice under section 14 or section 17, in the land on which the tip is situated;
 - (d) in the case of a person who had an estate or interest in that land but disposed of it before that date, to whether, in the opinion of the court, he disposed of his estate or interest for the purpose of evading any liability (whether under this Part of this Act or otherwise) in connection with the disused tip; and
 - (e) to the terms of any covenant, agreement or statutory provision affecting the rights and obligations in relation to the tip of that person and the owner thereof.
- (5) An order under this section shall specify the amount of the contribution to be made by the person to whom it relates as a percentage (which, if the court thinks appropriate in any case, may be 100 per cent) of the total amount in respect of which a contribution can be claimed under the following provisions of this Part of this Act.
- (6) In this Part of this Act—
- “contributory” means the person to whom an order under this section relates;
 - “covenant”, in relation to Scotland, means an obligation or agreement, and includes a real burden *ad factum praestandum*; and
 - “the specified percentage”, in relation to a contributory, means the percentage specified, in accordance with subsection (5) in the order under this section relating to the contributory.

Changes to legislation:

There are currently no known outstanding effects for the Mines And Quarries (Tips) Act 1969, Section 19.