



Mines And Quarries (Tips) Act 1969

1969 CHAPTER 10

PART II

PREVENTION OF PUBLIC DANGER FROM DISUSED TIPS

21 Recovery from contributories of expenses of owner carrying out remedial operations.

- (1) Subject to the following provisions of this section, where—
- (a) remedial operations have been carried out by the owner of a disused tip in compliance with a notice under section 14, and
 - (b) an order for contribution towards the expenses otherwise falling to be borne by the owner as a result of the carrying out of those operations has been made under section 19,
- the owner of the disused tip shall be entitled to recover from the contributory the specified percentage of the total amount determined in accordance with subsection (2).
- (2) Subject to subsection (4), the total amount in respect of which a contribution may be claimed by the owner of a disused tip in a case falling within subsection (1) is the aggregate of—
- (a) the expenses reasonably incurred by the owner in carrying out the remedial operations referred to in subsection (1) and any works of reinstatement reasonably necessary in consequence of the carrying out of those operations;
 - (b) the amount of any such compensation as is mentioned in paragraph (b) of section 20(2) (being compensation referable to those remedial operations or consequential works of reinstatement) which is recoverable (or has been recovered) from the owner in pursuance of a claim under section 20; and
 - (c) the amount of any such compensation as is referred to in paragraph (b) of section 20(2) in respect of which the owner could himself have made a claim under section 20 if the remedial operations (and any consequential works of reinstatement) had been carried out by the local authority.

Changes to legislation: *There are currently no known outstanding effects for the Mines And Quarries (Tips) Act 1969, Section 21. (See end of Document for details)*

- (3) No contribution shall be recoverable under this section unless a demand therefor is served on the contributory specifying, in addition to the sum claimed by way of contribution,—
- (a) the total amount in respect of which the contribution is claimed, and
 - (b) the separate amounts which comprise that total, distinguished by reference to paragraphs (a), (b) and (c) of subsection (2).
- (4) In any case where remedial operations have been carried out by the owner of a disused tip in compliance with a notice under section 14 and that notice was cancelled under section 16, this section and section 22 shall have effect subject to the modifications in Schedule 4 to this Act.

Changes to legislation:

There are currently no known outstanding effects for the Mines And Quarries (Tips) Act 1969, Section 21.