



Mines And Quarries (Tips) Act 1969

1969 CHAPTER 10

PART II

PREVENTION OF PUBLIC DANGER FROM DISUSED TIPS

22 Appeals against demands under s. 21.

- (1) Within the period of six weeks beginning with the date of service on a contributory of a demand under section 21(3), the contributory may apply to the court for an order varying the demand on any one or more of the following grounds, namely,—
 - (a) that the amount of the expenses incurred by the owner of the disused tip in carrying out the remedial operations was greater than was reasonable;
 - (b) that the amount of the expenses incurred by the owner in carrying out works of reinstatement was greater than was reasonably necessary to reinstate the land in consequence of the remedial operations;
 - (c) that, because the time taken by the owner to carry out the remedial operations or any consequential works of reinstatement was unreasonably long, the compensation paid or payable to any person in pursuance of a claim under section 20 in respect of damage or disturbance is greater than it would otherwise have been;
 - (d) that the amount of the compensation paid or payable to any person in pursuance of a claim under section 20 is greater than is necessary to compensate him in respect of any damage or disturbance suffered;
 - (e) that the amount specified in the demand as being referable to paragraph (c) of section 21(2) is greater than the compensation which could have been claimed by the owner in the circumstances specified in that paragraph;
 - (f) that the amount claimed in the demand is greater than the specified percentage of the amount determined under section 21(2).
- (2) If on an application under subsection (1) the court is satisfied that the ground, or any of the grounds, of the application is made out, the court may make an order reducing the amount recoverable by the owner of the disused tip from the contributory to such amount as the court thinks fit.

Changes to legislation: *There are currently no known outstanding effects for the
Mines And Quarries (Tips) Act 1969, Section 22. (See end of Document for details)*

- (3) Subject to the right to make an application under subsection (1) and to Schedule 4 to this Act a demand under section 21(3) shall be final and conclusive.

Changes to legislation:

There are currently no known outstanding effects for the Mines And Quarries (Tips) Act 1969, Section 22.