

SCHEDULES

SCHEDULE 4

Sections 21, 22.

MODIFICATIONS OF SECTIONS 21 AND 22 WHERE NOTICE UNDER SECTION 14 IS CANCELLED

- 1 In any case where—
 - (a) a local authority has served a notice on the owner of a disused tip under section 14, and
 - (b) the owner has carried out remedial operations in compliance with the notice, and
 - (c) the local authority has cancelled the notice by a notice under section 16,sections 21 and 22 shall have effect subject to the modifications specified in the following provisions of this Schedule.
- 2 Any reference in those sections to remedial operations carried out in compliance with the notice under section 14 shall be construed as a reference to remedial operations so carried out before the notice was cancelled.
- 3 (1) In determining, for the purpose of sections 21 and 22, the amount of the expenses reasonably incurred by the owner in carrying out remedial operations, there shall be deducted any sum which—
 - (a) is recoverable (or has been recovered) by the owner from the local authority by virtue of an order under section 16(4); and
 - (b) is referable to expenditure incurred by the owner in consequence of the service of the notice under section 14.(2) No sum shall be recoverable by the owner under section 21 in respect of expenses incurred by him in carrying out works of reinstatement.
- 4 Where, by virtue of an order under section 16(4), the owner is entitled to recover (or has recovered) from the local authority any sum in respect of expenditure incurred by him in consequence of the service of a notice under section 14—
 - (a) a demand under section 21(3) shall specify the total sum recoverable (or recovered) by virtue of the order, distinguishing between the part which is referable to expenditure incurred in consequence of the service of the notice under section 14 and the part which is referable to expenditure incurred by the owner which is attributable to the cancellation of the notice; and
 - (b) any reference in section 21(3) to the total amount in respect of which the contribution is claimed shall be construed as a reference to the amount in respect of which the contribution could have been claimed if no such order had been made; and
 - (c) an application may be made under section 22 on the ground that the amount claimed in the demand does not give proper allowance for any sum which is required to be deducted by virtue of paragraph 3 above.

Changes to legislation:

There are currently no known outstanding effects for the Mines And Quarries (Tips) Act 1969, SCHEDULE 4.