



Mines and Quarries (Tips) Act 1969

1969 CHAPTER 10

PART II

PREVENTION OF PUBLIC DANGER FROM DISUSED TIPS

16 Cancellation by local authority of notice under s. 14

- (1) Where a local authority has served on the owner of a disused tip a notice under section 14 requiring the carrying out of remedial operations then, notwithstanding that an application may have been made under section 15 in respect of the notice or that the owner may have begun to carry out the operations (and whether or not the period specified for the carrying out of the operations has expired) the local authority may at any time before the completion of the remedial operations cancel the notice under section 14 by a notice under this section in the prescribed form served on the owner.
- (2) Where a notice is served under this section in respect of a notice under section 14, the local authority shall serve a copy of the notice so served on every person on whom it served a copy of the notice under section 14.
- (3) Where a notice under section 14 is cancelled under this section then, without prejudice to any penalty already incurred by the owner of the tip under section 14(8), the owner shall no longer be required to carry out the remedial operations specified in the notice which is cancelled; but the service of a notice under this section shall not affect the right of the local authority to serve a further notice under section 14 in relation to the disused tip in question.
- (4) Where a local authority has cancelled a notice under section 14 and the owner of the disused tip has incurred expenditure in compliance with the notice, the owner may apply to the court for an order directing the local authority to reimburse to him the whole, or such part as the court thinks fit, of—
 - (a) any expenditure incurred by him in consequence of the service of the notice under section 14 ; and
 - (b) any expenditure incurred by him which is attributable to the cancellation of that notice (whether relating to the reinstatement of any land, the cancellation of any contract or otherwise).

Status: This is the original version (as it was originally enacted).

- (5) In determining whether to make an order under subsection (4) or to what extent the local authority is to be required by such an order to reimburse the owner, the court shall have regard to all the circumstances of the case and, in particular, to the grounds on which the local authority cancelled the notice under section 14 and to whether the local authority has served or intends to serve a further notice on the owner under section 14 or whether the local authority intends to carry out remedial operations itself.