



Mines And Quarries (Tips) Act 1969

1969 CHAPTER 10

PART II

PREVENTION OF PUBLIC DANGER FROM DISUSED TIPS

17 Carrying out of remedial operations and works of reinstatement by local authority.

- (1) Where a local authority considers that such circumstances exist as are specified in section 14(1) then, instead of serving a notice under that section requiring the owner of the disused tip in question to carry out remedial operations, the authority may itself carry out remedial operations and any works of reinstatement reasonably necessary in consequence of the carrying out of those remedial operations.
- (2) Subject to subsection (3), where a local authority proposes to carry out remedial operations under subsection (1) in relation to a disused tip it shall, not less than twenty-one days before the operations are begun, serve notice on the owner of the tip of its intention to carry out the operations, specifying the nature and extent of the operations and of any consequential works of reinstatement which it proposes to carry out.
- (3) If a local authority has reasonable ground for believing that a disused tip is unstable and that possible danger to members of the public requires the immediate carrying out of remedial operations, it may begin operations under subsection (1) forthwith, notwithstanding that no notice under subsection (2) has been served or that less than twenty-one days has elapsed since the service of such a notice; but if no such notice has been served at the time the remedial operations are begun, then, as soon thereafter as is reasonably practicable, the local authority shall serve notice on the owner of the tip of the commencement of the operations, specifying the nature and extent of the operations and of any consequential works of reinstatement which it proposes to carry out.
- (4) A notice under subsection (2) or subsection (3) shall be in the prescribed form.
- (5) Concurrently with the service of a notice under subsection (2) or subsection (3) on the owner of a disused tip, or as soon thereafter as is reasonably practicable a copy

Changes to legislation: *There are currently no known outstanding effects for the Mines And Quarries (Tips) Act 1969, Section 17. (See end of Document for details)*

of that notice shall be served on every person falling within paragraphs (a) to (e) of section 14(4) (and for the purposes of this subsection, any reference in those paragraphs to the notice shall be construed as a reference to the notice served on the owner of the disused tip under subsection (2) or subsection (3)).

- (6) A local authority may sell any material removed from a disused tip in the course of remedial operations carried out by it under subsection (1) and shall account to the owner of the material for the proceeds of sale thereof; but nothing in this subsection shall prevent the local authority from setting off the proceeds of sale or any part thereof against any sum which the local authority is entitled to recover from the owner of the material under the following provisions of this Part of this Act.
- (7) Where a local authority is the owner of a disused tip situated wholly or partly within its area, Schedule 2 to this Act shall apply in relation to the carrying out by the local authority of remedial operations relating to that tip.

Changes to legislation:

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