



Minerals (Miscellaneous Provisions) Act (Northern Ireland) 1959

1959 CHAPTER 17

An Act to make further provision for the Geological Survey of Northern Ireland; to transfer certain functions respecting mines and minerals to the Ministry of Commerce; to make further provision with respect to mines, minerals and quarries and operations connected therewith; and for purposes connected with those matters. [8th December 1959]

PART I

GEOLOGICAL SURVEY OF NORTHERN IRELAND

1 Administration of Geological Survey of Northern Ireland.

- (1) The Ministry of Commerce (in this Act referred to as “the Ministry”) shall be the Ministry responsible for the establishment of the Geological Survey of Northern Ireland and for the administration of all matters relating thereto.
- (2) Any functions at any time heretofore exercised or exercisable by any other department of the Government of Northern Ireland under any enactment relating to geological survey in Northern Ireland shall become and be functions of the Ministry.
- (3) The provisions set out in the First Schedule shall have effect in relation to the functions transferred to the Ministry under sub-section (2); ...^{F1}.

F1 1964 c. 28 (NI)

2 Appointment of officers and servants.

- (1) The Minister of Commerce (in this Act referred to as “the Minister”) may appoint any person to act as Director of Geological Survey in Northern Ireland on such conditions

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Changes to legislation: There are currently no known outstanding effects for the Minerals (Miscellaneous Provisions) Act (Northern Ireland) 1959. (See end of Document for details)

as to remuneration and otherwise as the Ministry, with the approval of the Ministry of Finance^{F2}, may determine and may also, with the approval of the Ministry of Finance^{F2} as to numbers, salaries and remuneration, appoint such other officers and servants to assist in the administration of geological survey as the Ministry may think fit.

Subs. (2) rep. by 1969 c. 35 (NI)

F2 Now D/CS, SR 1976/281

3 Powers of Ministry.

- (1) For the purpose of making and completing a geological survey of Northern Ireland, or any part thereof, any authorised officer and any person assisting such authorised officer may, subject to the following provisions of this section, enter upon land and there do all such things as are in the opinion of the Ministry or such authorised officer necessary or desirable for the purpose of the geological survey and, in particular, break up the surface of any part of such lands [^{F3} and make boreholes or excavations therein] for the purpose of ascertaining the rocks, strata, or minerals within or under the same, and take and carry away specimens of the rocks, strata, or minerals found therein and fix any post, stone, mark, or object to be used in the survey and dig up any ground for the purpose of fixing such post, stone, mark, or object.
- (2) In exercising the powers conferred by sub-section (1) no post, stone, mark, or object shall be fixed within any walled garden, orchard, or pleasure garden without the consent of the owner or occupier thereof.
- (3) The Ministry shall not exercise, in respect of any land, the powers conferred on it by sub-section (1) before it has served on the occupier of such land notice in writing of its intention to exercise such powers.
- (4) Where, in the exercise on any lands of any of the powers conferred by this section, any damage is caused, the Ministry shall pay to the owner or occupier of those lands such compensation as may be agreed upon between the Ministry and that owner or occupier or as may in default of agreement be assessed by a court of summary jurisdiction upon application made to it by either party within twelve months after the damage has been caused.
- (5) On an application made to it under sub-section (4) a court of summary jurisdiction may make such order (including an order for the payment of costs) as it may consider reasonable and such order shall have the like effect as an order made by the court in the exercise of its civil jurisdiction.
- (6) Any person who obstructs or impedes the Ministry or any authorised officer or person assisting an authorised officer in the exercise of the powers conferred on the Ministry or such officer or person assisting such officer by sub-section (1) shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding^{F4} level 2 on the standard scale^{F4}.

F3 1969 c. 35 (NI)

F4 1984 NI 3

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F⁵4 Ministry to be given notice of mineral prospecting or development work and of shafts, boreholes, etc.

- (1) Where a person proposes—
- (a) to undertake mineral prospecting or development work, or
 - (b) for any other purpose to sink a shaft, borehole or well or make an excavation intended to reach a depth of more than fifty feet below the surface or to extend any existing shaft, borehole, well or excavation (whether or not it has already reached that depth) to reach any greater depth beyond fifty feet,
- he shall, before commencing the work or, as the case may be, the sinking, excavation or extension, serve on the Ministry at least two weeks' notice in writing of his intention to do so or such shorter notice as the Ministry may permit in writing.
- (2) A person who undertakes mineral prospecting or development work shall keep a record thereof, and a person who, for any other purpose, sinks a shaft, borehole or well or makes an excavation intended to reach a depth of more than fifty feet below the surface or extends any existing shaft, borehole, well or excavation as aforesaid shall, unless the Ministry in writing otherwise directs, keep a journal thereof, and every such person shall keep for a period of not less than two months or such longer period as the Ministry may so direct—
- (a) such specimens of minerals as may have been obtained in the course of the work, or
 - (b) such specimens of the strata passed through as may have been obtained in the course of the sinking or extension of the shaft, borehole or well, or the making or extension of the excavation,
- either as cores or cuttings, as the Ministry may direct.
- (3) An authorised officer shall be entitled at all reasonable times to do all or any of the following things, that is to say:—
- (a) have free access to—
 - (i) all parts of the place where any mineral prospecting or development work is being undertaken, or
 - (ii) any shaft, borehole, well or excavation such as is mentioned in sub-section (1), or
 - (iii) any specimen such as is mentioned in sub-section (2);
 - (b) inspect and take copies of records of such work or journals of such shafts, boreholes, wells or excavations;
 - (c) require the person undertaking any such work or sinking or extending any such shaft, borehole or well, or making or extending any such excavation, to supply such other information (including, where the circumstances permit, information as to the proposed conduct of the operations and as to the grade of deposit, and estimated reserves, of minerals) as the authorised officer may consider reasonably necessary;
 - (d) inspect all specimens obtained or kept as mentioned in sub-section (2);
 - (e) take samples of any such specimens.
- (4) If any person undertaking any such work or sinking or extending any such shaft, borehole, or well, or making or extending any such excavation as aforesaid serves notice in writing on the Ministry requesting the Ministry to treat as confidential any copies of records or journals or any specimens of minerals or strata taken by, or any information supplied to, an authorised officer under sub-section (3), the Ministry, until the expiration of such period not exceeding five years from the date on which the

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copies or, as the case may be, the specimens were so taken, or the information was so supplied, as may be specified in the notice, shall not allow the copies or specimens to be shown, or the information to be disclosed, to any person who is not an officer of the Ministry except with the consent of the first-mentioned person.

- (5) The period mentioned in sub-section (4) may, by notice served as so mentioned before the expiry of that period requesting that the period be extended, be extended for an additional period not exceeding five years, but no further.
- (6) If any person undertaking any mineral prospecting or development work or sinking or extending any shaft, borehole or well, or making or extending any excavation, such as is mentioned in sub-section (1)—
- (a) fails to comply with the obligations imposed by or under this section, or
 - (b) in any record or journal required to be kept, or in supplying any information, under this section knowingly or recklessly makes any entry or statement which is false in a material particular, or
 - (c) wilfully obstructs an authorised officer in the exercise of any of the powers conferred on him by this section,
- he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F6} level 3 on the standard scale^{F6}.
- (7) Where any person contracts to undertake on behalf of any other person mineral prospecting or development work or to sink or extend a shaft, borehole or well or make or extend an excavation and the execution of the work is under the control of the contractor, references in this section to a person undertaking the work or sinking or extending the shaft, borehole or well or making or extending the excavation shall, where those references occur in sub-section (1), be construed as references to the contractor and, where they occur in other provisions of this section, be construed as including references both to the contractor and that other person.
- (8) In this section—
- (a) any reference to mineral prospecting or development work includes a reference to geophysical or geochemical investigations of any kind, whether conducted by means of boring or otherwise howsoever;
 - (b) any reference to a record, in relation to mineral prospecting or development work which includes the sinking or extension of a shaft, borehole or well, or the making or extension of an excavation, intended to reach a depth of more than fifty feet includes a reference to a journal of that sinking or making or extension; and
 - (c) “excavation” includes “tunnel” .]

F5 1969 c. 35 (NI)

F6 1984 NI 3

5 Authorised officer.

- (1) In this Part “authorised officer” means any person appointed by the Minister in writing to act as an authorised officer for the purposes of this Part.
- (2) An authorised officer seeking to exercise in relation to any land any of the powers conferred by this Part shall, if so required by the owner or occupier of that land, produce his authority to act as such officer.

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- ^{F7}(3) An authorised officer shall have the same rights as to the production and inspection of plans, sections and drawings which by or by virtue of the Mines Act (Northern Ireland) 1969 are required to be kept, as are by that Act conferred on inspectors, and that Act shall apply accordingly.]

F7 1969 c. 6 (NI)

PART II

MINERAL RIGHTS

6 Transfer of certain functions and right to the Ministry.

- (1) Subject as in this Part provided the functions exercisable with respect to rights to, or in relation to, mines or minerals by the Ministry of Finance immediately before the commencement of this Act by virtue of paragraph (c) of section three of the Northern Ireland Land Purchase (Winding Up) Act, 1935, shall be and become functions of the Ministry.
- (2) The provisions set out in the First Schedule shall have effect in relation to the functions transferred to the Ministry under sub-section (1).
- (3) In any entry made in the Land Registry with respect to the reservation under the Land Purchase Acts of mines or minerals to the Irish Land Commission, the Northern Ireland Land Purchase Commission or the Ministry of Finance references to those bodies shall be construed as references to the Ministry.

Subs. (4) rep. by 1969 c. 35 (NI)

S. 7 rep. by 1969 c. 35 (NI)

8 Merging orders.

Subs. (1)#(3) rep. by 1969 c. 35 (NI)

- (4)^{F8} Nothing in this section shall prejudice the rights of any person entitled to the whole or any part of the percentage provided for in sub-section (3) of section thirteen of the Irish Land Act, 1903; and upon registration of a merging order the second proviso to the said sub-section (3) shall in its application to the land to which the merging order relates have effect as if the reference therein to twenty-five per cent. of any rent, purchase money or other net profit received by the Ministry upon a disposal of mining rights by the Ministry were a reference to twenty-five per cent. of any rent, purchase money or other net profit in respect of mines or minerals received by the registered owner or other person interested in the land upon a disposal of mining rights by that owner or other person.

Subs. (5) rep. by 1969 c. 35 (NI)

- (6) The Ministry shall keep a separate register of all merging orders, and that register—
 - (a) shall specify, by reference to the appropriate land registry folio, the lands to which the respective merging orders relate; and
 - (b) shall be open to public inspection, without charge, during normal office hours.

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F8 1964 c. 28 (NI)

Ss. 9#17 rep. by 1962 c. 30 (NI); 1969 c. 35 (NI)

S. 18(1) rep. with saving by 1969 c. 35 (NI); subs. (2)#(4) rep. by 1969 c. 35 (NI)

S. 19 rep. by 1969 c. 35 (NI)

PART III

MINES AND QUARRIES

Ss. 20, 21 rep. by 1969 c. 6 (NI)

S. 22 rep. by 1983 NI 4

REPEALS, ETC.

S. 23(1) rep. by SLR 1973; subs. (2) spent

24 Short title.

(1) This Act may be cited as the Minerals (Miscellaneous Provisions) Act (Northern Ireland), 1959.

Subs. (2) rep. by SLR 1973

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SCHEDULES

FIRST SCHEDULE

Sections 1 and 6 (2).

PROVISIONS CONSEQUENTIAL ON TRANSFER OF FUNCTIONS UNDER SUB-SECTION (2) OF SECTION ONE AND SUB-SECTION (1) OF SECTION SIX

- 1 In the construction and for the purposes of any enactment, judgment, decree, order, award, deed, contract, regulation, bye-law, certificate or other document passed or made before the commencement of this Act, any reference to, or which is to be construed as a reference to, the transferor shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the Ministry.
- 2 The transfer shall not affect any order, regulation, rule, appointment, direction, approval, requirement or authorisation made or given or other thing done by the transferor before the commencement of this Act, but any such matter shall, if in force immediately before such commencement, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the Ministry.
- 3 Anything commenced before the commencement of this Act, by or under the authority of the transferor from which the functions were transferred may, so far as it relates to any functions transferred, be carried on or completed by or under the authority of the Ministry.
- 4 Where at the commencement of this Act any legal proceeding has reference to any of the functions transferred, the Ministry shall be substituted in the proceeding for the transferor and the proceedings shall not abate by reason of the substitution.
- 5 All property, rights and liabilities held, enjoyed or incurred before the commencement of this Act by the transferor in connection with such functions shall be transferred to the Ministry as from the commencement of this Act; and, accordingly, as from such commencement by virtue of this Act and without any further conveyance, transfer, assignment or other instrument whatsoever—
 - (a) the said property, real or personal, shall vest in the Ministry;
 - (b) the said rights shall be enjoyed by the Ministry; and
 - (c) the said liabilities shall become liabilities of the Ministry.
- 6 In this Schedule “transferor” means—
 - (a) in relation to functions transferred to the Ministry under sub-section (2) of section one, the department of the Government of Northern Ireland from which such functions were transferred; and
 - (b) in relation to functions transferred to the Ministry under sub-section (1) of section six, the Ministry of Finance.

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Second and Third Schedules rep. by 1969 c. 35 (NI)

Fourth Schedule rep. by SLR 1973

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