

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2 <sup>F1</sup>

#### MINING FACILITIES ORDERS

**F1** 1964 c.28 (NI)

#### SATISFACTION OF CLAIMS

- 12 (1) The Ministry, on paying to any person any compensation (whether the amount thereof has been settled by agreement or determined by the Lands Tribunal), shall obtain from that person a receipt in such form as may be specified by the Ministry, which shall be prepared by and executed at the cost of the Ministry; and—
- (a) where the compensation is payable by way of a lump sum, or
  - (b) where the compensation is payable by instalments and the payment being made is the final instalment thereof,
- the receipt shall operate to release the compensation fund from all claims by the person giving it and all parties claiming through or under him.
- (2) The Ministry shall pay the costs reasonably incurred by any person claiming compensation, to whom compensation is found due, of furnishing any statement, abstract or other evidence of title required by the Ministry to be furnished by him.
- 13 (1) Where the compensation payable (whether the amount thereof has been settled by agreement or determined by the Lands Tribunal) to any person does not exceed the sum of one hundred pounds, and the claimant makes a statutory declaration in such form as may be specified by the Ministry stating whether he claims as absolute or as limited owner, and gives prima facie evidence which satisfies the Ministry that for not less than six years immediately preceding he, or his immediate predecessor in title, has been personally or by an agent in receipt of the rents or profits, or in actual occupation, of the land in relation to which compensation is payable, the Ministry may pay to the person claiming as absolute owner the compensation payable for the interest in respect of which he claims, and, where a person claims as limited owner of any interest, the Ministry may pay the compensation payable for that interest to the trustees of the settlement under which the limited owner claims.
- (2) Where any compensation not exceeding the sum of one hundred pounds is payable in respect of an estate which is subject to any mortgage or charge (not being a charge consisting of an annuity under the Land Purchase Acts), the compensation may be paid to the person entitled to the mortgage or charge, or, if there is more than one such mortgage or charge, then the person entitled to the mortgage or charge which is first in priority, and the amount so paid shall be received in reduction of the principal sum for the time being owing in respect of the mortgage or charge, notwithstanding any direction, proviso or covenant to the contrary contained in any instrument; and

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where the compensation is paid to a mortgagee or chargeant, the receipt given by the mortgagee or chargeant shall release the compensation fund from all claims by him and any subsequent mortgagee or chargeant, and also from all claims by the person creating the mortgage or charge and all persons claiming through or under that person.

- (3) A memorandum of the amount paid under sub-paragraph (2) shall, when practicable, be endorsed on the instrument creating the mortgage or charge, and shall be signed by the person receiving the compensation, and a copy of the memorandum shall be furnished by the Ministry at its expense to all persons appearing to the Ministry to be entitled to any estate in the land subject to the mortgage or charge.
- 14 Any person claiming to be entitled to any money paid to another person pursuant to the foregoing provisions of this Schedule otherwise than in accordance with an award of the Lands Tribunal may, within six years after the payment has been made, apply for relief to the Lands Tribunal; and the Tribunal may either dismiss the application or make an award against the Ministry for the amount found due in respect of the claim, and any sum so awarded shall be a debt recoverable summarily by the Ministry from the person to whom the money was paid by it, arising at the date of the award.
- 15 (1) Where the amount of compensation which is payable in respect of any land to which a mining facilities order relates has been determined but for some reason it is not possible for the Ministry to obtain a good discharge therefor,—
- (a) if the total amount of the compensation, or, where the compensation is payable by instalments, the first instalment thereof, is or exceeds two hundred pounds but does not exceed one thousand pounds, the Ministry shall pay the money into the county court;
  - (b) if the total amount of the compensation or, where the compensation is payable by instalments, the first instalment thereof, exceeds one thousand pounds, the Ministry shall pay the money into the High Court;
  - (c) if the compensation is payable by instalments and the amount of the first instalment is less than two hundred pounds, the provisions of head ( a ) shall apply to that and any subsequent instalments when the amount of those instalments aggregates two hundred pounds;
- and if any such compensation or the aggregate of any instalments thereof is less than two hundred pounds and has remained in the hands of the Ministry for a period of six years from the date on which the compensation or the first instalment thereof became payable, head ( a ) shall apply to that compensation or those instalments and to all other corresponding sums falling due to the same person as if the words “ is or exceeds two hundred pounds but ” were omitted.
- (2) Money paid into the county court or, as the case may be, the High Court under sub-paragraph (1) shall, subject to county court rules or rules of court, be dealt with according to the orders of the court.
- (3) The payment of the compensation in the manner provided by sub-paragraph (1) shall operate to discharge the compensation fund from all claims and interests in respect of which the compensation is payable.
- 16 (1) The Ministry shall pay interest upon the compensation money from the date of the vesting of the land or ancillary rights in respect of which, or in consequence of the acquisition of which, the compensation is payable, or, where the compensation is payable by instalments, upon each instalment from the expiration of one month after the date when the instalment falls due, until the time of the payment of the money

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and interest to the party entitled thereto, or, where such compensation is paid into court, then until the sum with such interest is paid into court accordingly.

- (2) The rate of interest payable under this paragraph shall be such rate as may be determined by the Ministry of Finance.

17        In this Schedule “instalment” includes any rent or other periodical payment.

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