Minerals (Miscellaneous Provisions) Act (Northern Ireland) 1959

1959 CHAPTER 17

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 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

[F5]4 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 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.

[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)

Changes to legislation:
There are currently no known outstanding effects for the Minerals (Miscellaneous Provisions) Act (Northern Ireland) 1959, PART I.