



Mines (Working Facilities And Support) Act 1966

1966 CHAPTER 4

Restrictions on working minerals required for support

7 Restrictions on working minerals required for support.

- (1) If any person having an interest in any land is not entitled to support or sufficient support, whether vertical or lateral, for any buildings or works, whether on or below the surface, erected or constructed, or intended to be erected or constructed, on or below the surface, and alleges that it is not reasonably practicable to obtain a right to such support by private arrangement for any of the reasons mentioned in section 3(2) of this Act, he may send to the Minister an application that such restrictions may be imposed on the working of the minerals under that land and the land adjacent thereto as he may consider necessary to secure sufficient support to the buildings or works.
- (2) An application under this section shall set out the circumstances alleged to justify the imposition of the restrictions, and shall be in such form, and accompanied by such information verified in such manner, as the Minister may direct.
- (3) The Minister shall consider the application, and shall, unless after communication with such other parties interested (if any) as he thinks fit, he is of opinion that a prima facie case is not made out, refer the matter to the court:
Provided that, where it is alleged that the right in question cannot be obtained by reason of any person not having the necessary powers of disposition, or having unreasonably refused to grant it, or having demanded terms which are unreasonable, the Minister shall not so refer the application to the court without first having communicated with that person.
- (4) Where any such case is referred to the court the court if satisfied that the requirements of this section are complied with in the case of the applicant, and that it is expedient in the national interest that restrictions should be imposed, may, by order, impose such restrictions, on such terms and subject to such conditions and for such period as the court may think just, and upon such order being made the right to enforce the

Changes to legislation: Mines (Working Facilities And Support) Act 1966, Cross Heading: Restrictions on working minerals required for support is up to date with all changes known to be in force on or before 11 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

restrictions imposed by the order shall, subject to the following provisions, vest in the applicant.

- (5) Where restrictions are imposed, such compensation or consideration as in default of agreement may be determined by the court shall be paid or given by the applicant in respect of the imposition of the restrictions to such persons as the court may determine to be entitled thereto.
- (6) The restrictions may be either on the quantity or position of the minerals to be worked, or on the methods of working or packing, or otherwise such as may be necessary to secure adequate support to the buildings or works or to prevent or minimise damage to them.
- (7) In determining whether restrictions should be imposed the court shall have regard to the value of the buildings or works or the cost of repairing damage likely to be caused to them by subsidence, as compared with the value of the minerals, or to the importance in the national interest of the erection or preservation of the buildings or works, as compared with the importance in the national interest of the working of the minerals.
- (8) For the purposes of this section, where any building or work is an ancient monument within the meaning of [^{F1}the ^{M1}Ancient Monuments and Archaeological Areas Act 1979] and is, in pursuance of that Act, . . . ^{F2} under the guardianship or protection of [^{F3}the Secretary of State], or is under the guardianship of a local authority, [^{F3}the Secretary of State] or the local authority, as the case may be, shall be deemed to be persons entitled to make an application under this section.

Textual Amendments

- F1** Reference substituted by [Ancient Monuments and Archaeological Areas Act 1979 \(c. 46\), s. 65\(2\), Sch. 4 para. 9\(a\)](#)
- F2** Words repealed by [Ancient Monuments and Archaeological Areas Act 1979 \(c. 46\), s. 65\(2\), Sch. 5](#)
- F3** Words substituted by virtue of [S.I. 1969/383, art. 3](#), [1969/388, art. 4](#) and [1970/1681, arts. 2\(1\), 6\(3\)](#)

Modifications etc. (not altering text)

- C1** [S. 7](#) amended by [Coal Industry Act 1975 \(c. 56\), Sch. 1 para. 5\(3\)](#)
- C2** [S. 7](#) amended by [Electricity Act 1989 \(c. 29, SIF 44:1\), s. 10\(1\), Sch. 4 para. 6\(7\)](#)
- C3** [S. 7\(8\)](#): transfer of functions (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

Marginal Citations

- M1** [1979 c. 46.](#)

[^{F4}7A] Special provisions applying to section 7.

- (1) Subject to subsections (2) and (3) below, on an application under section 7 of this Act, the applicant shall not be required to pay or give any compensation or consideration in respect of the imposition of restrictions appearing to the court to be justified by the existence of any right to withdraw support to which any person is entitled under section 38 of the Coal Industry Act 1994 (withdrawal of support).
- (2) Subsection (1) above shall not apply in a case where, in accordance with subsection (2) (b) of section 38 of the Coal Industry Act 1994, that section applies to the land in question by virtue of subsection (5)(a) of section 2 of the Coal Industry Act 1975.

Changes to legislation: Mines (Working Facilities And Support) Act 1966, Cross Heading: Restrictions on working minerals required for support is up to date with all changes known to be in force on or before 11 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) Subsection (1) above shall apply in any case where section 38 of the Coal Industry Act 1994 applies to the land in question otherwise than by virtue of subsection (5) of section 2 of the Coal Industry Act 1975 only if the application under section 7 of this Act is sent to the Secretary of State before the end of the period of six months beginning with the date on which particulars of the notice relating to the land to which the application relates are first registered by the Coal Authority under section 56 of the Coal Industry Act 1994.
- (4) Notwithstanding anything in section 12 of this Act, any restrictions the imposition of which appears to the court to be justified as mentioned in subsection (1) above—
- (a) may be imposed under section 7 of this Act on the application of, and so as to vest the right to enforce the restrictions in, any such company, authority or body as is mentioned in the said section 12; and
 - (b) may be so imposed on the application of, and so as to vest the right to enforce the restrictions in—
 - (i) [^{F5}the Environment Agency, the Natural Resources Body for Wales or] any water or sewerage undertaker;
 - (ii) any public gas supplier within the meaning of Part I of the Gas Act 1986; or
 - (iii) any company or other body or person carrying on an undertaking primarily for the supply of electricity or hydraulic power for public purposes or to members of the public.]

Textual Amendments

- F4** S. 7A inserted (31.10.1994) by 1994 c. 21, ss. 67, 68(2)(d), **Sch. 9 para. 10(4)** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F5** Words in s. 7A(4)(b)(i) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 42** (with Sch. 7)

Modifications etc. (not altering text)

- C4** S. 7A(4)(b)(ii) extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(2)(c)**; S.I. 1996/218, **art. 2**

Changes to legislation:

Mines (Working Facilities And Support) Act 1966, Cross Heading: Restrictions on working minerals required for support is up to date with all changes known to be in force on or before 11 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(9) inserted by [2023 asc 3 Sch. 13 para. 11](#)