



# Mines (Working Facilities and Support) Act 1966

## 1966 CHAPTER 4

### *Working facilities*

#### **2 Ancillary rights**

- (1) In this Act " ancillary right" means, in relation to minerals, any facility, right or privilege and, in particular, but without prejudice to the generality of the foregoing provisions of this subsection, that expression shall include—
- (a) a right to let down the surface,
  - (b) a right of air-way, shaft-way or surface or underground wayleave, or other right for the purpose of access to or conveyance of minerals (otherwise than by means of a pipe) or the ventilation or drainage of the mines,
  - (c) a right to use and occupy the surface for the erection of washeries, coke ovens, railways, by-product works or brick making or other works, or of dwellings for persons employed in connection with the working of the minerals or with any such works as aforesaid ;
  - (d) a right to obtain a supply of water or other substances in connection with the working of minerals ;
  - (e) a right to dispose of water or other liquid matter obtained from mines or any by-product works.
- (2) The court in determining whether a right under subsection (1)(a) above should be granted—
- (a) shall have regard to the value of the minerals required for the support of any works or buildings or intended works or buildings on or below the surface as compared with the value of the buildings or works, and as to whether the support of the works or buildings or intended works or buildings is in the national interest more important than the working of those minerals, or
  - (b) if there are no such buildings or works, shall have regard to the extent to which the use of the surface for the purposes for which it is used or is intended to be used will be prejudicially affected by subsidence, and as to whether

the support of the surface is in the national interest more important than the working of the minerals required for its support.

- (3) So far as required in order that coal may be properly and conveniently worked, and where the surface has been used for the erection—
- (a) of any works for a coal-mining purpose, or
  - (b) of dwellings for persons employed in connection with the working of coal, or in connection with any works within paragraph (a) above or subsection (1) (c) above,

the expression " ancillary right" shall also include a right to use and occupy the works or dwellings for the purposes for which they were erected.

- (4) Where a right within subsection (3) above is to be granted on the termination of a lease, and a right to erect or use the works or dwellings was comprised in that lease, the court, in determining whether any compensation or consideration is to be paid or given in respect of the right to be granted by the court and the amount thereof, if any, shall have regard to the fact that the right comprised in the lease was therein comprised and to the amount of any rent reserved by the lease in respect thereof.