



Mines (Working Facilities And Support) Act 1966

1966 CHAPTER 4

Working facilities

4 Applications for rights.

- (1) An application for the grant of a right under section 1 of this Act shall be sent to the Minister, and the applicant for an ancillary right for the purpose of or in connection with working any minerals may be a person either having or applying for the right to work those minerals.
- (2) The application shall set out the circumstances alleged to justify the grant of the right, 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 may think 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 refer the application to the court without first having communicated with that person.
- (4) Where the application relates to a right to obtain a supply of water, or a right to dispose of water or other liquid matter, or any other right which appears to the Minister to affect any local authority, the Minister before referring the application to the court shall send a copy of the application to the local authority in order to enable them to take such steps as they think fit for placing their views before the court.
- (5) No application with respect to the grant of a right under [F1 paragraph 1] in the Table in section 1 of this Act made [F1 in respect of coal] shall be referred by the Minister to the court unless the [F1 Coal Authority] have given notice in writing to the Minister that

Changes to legislation: Mines (Working Facilities And Support) Act 1966, Section 4 is up to date with all changes known to be in force on or before 09 December 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](#)

they have no power to grant the right, or any of the rights, for which the application is made.

[^{F2}(6) In subsection (5) above “coal” does not include lignite or brown coal but (subject to that) does include, together with coal as defined in this Act, all other minerals worked or to be worked therewith.]

Textual Amendments

- F1** Words in s. 4(5) substituted (31.10.1994) by 1994 c. 21, ss. 67, 68(2)(d), **Sch. 9 para. 10(3)(a)(i)(ii)(iii)** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F2** S. 4(6) inserted (31.10.1994) by 1994 c. 21, ss. 67, 68(2)(d), **Sch. 9 para. 10(3)(b)** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

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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](#)