



Mineral Workings Act 1971

CHAPTER 71

ARRANGEMENT OF SECTIONS

Section

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3. Variation of the standard rate.
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ELIZABETH II



1971 CHAPTER 71

An Act to make further provision in relation to contributions to and payments out of the Ironstone Restoration Fund and to abolish the Advisory Committee on Ironstone Restoration. [5th August 1971]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) In respect of ironstone extracted on or after 1st April 1971 by opencast operations from land within the ironstone district as defined in the Mineral Workings Act 1951 (in this Act referred to as "the Act of 1951") contributions shall be paid to the Secretary of State by the persons by whom those operations are carried out. Contributions from ironstone operators towards Ironstone Restoration Fund.

(2) Subject to subsections (3) and (4) below, contributions under this section shall be payable at such rate per ton (in this Act referred to as "the full rate") as may from time to time be specified by order made by the Secretary of State. 1951 c. 60.

(3) An order under subsection (2) above shall specify, in addition to the full rate, a lower rate of contributions (in this section referred to as "the reduced rate"), and that rate shall be applicable with respect to—

- (a) ironstone which immediately before 15th February 1951 was subject to a full restoring lease ; and
- (b) ironstone in respect of which an order under section 7 of the Act of 1951 or section 56(1) of the Town and Country Planning Act 1954 (relating to ironstone an interest in which is held on charitable trusts or for charitable purposes) was in force immediately before the passing of this Act. 1954 c. 72.

(4) The Secretary of State may by order direct that, as from the date of the order or such earlier date as may be specified in the order, contributions under this section shall be payable at the reduced rate (instead of at the full rate) in respect of such ironstone as may be so specified, being ironstone an interest in which is held on the date of the order on charitable trusts or for charitable purposes.

(5) A rate per ton specified in an order under subsection (2) above shall be applicable in respect of each ton of ironstone weighed in its crude state after extraction and before calcination, and for the purpose of determining the contributions payable in respect of ironstone which is calcined on the site before weighing, the weight of such ironstone before calcination shall be taken to be one and one-third times its weight after calcination.

(6) A person who carries out operations in respect of which contributions are payable under this section is in this Act and the Act of 1951 referred to as an operator.

(7) The preceding provisions of this section shall have effect in place of the provisions of section 3 of the Act of 1951 and accordingly contributions received by the Secretary of State under this section shall be paid into the Ironstone Restoration Fund.

Deductions
from mining
rents, etc. in
respect of
full rate
contributions.
1966 c. 4.

2.—(1) Subject to subsection (2) below, where under section 1 above contributions at the full rate are paid—

(a) by a lessee under a mining lease, or

(b) by the person granted a right to work minerals by an order made, or having effect as if made, under the Mines (Working Facilities and Support) Act 1966 (in this Act referred to as a “ mineral rights order ”),

then, notwithstanding anything in the lease or mineral rights order, a sum determined in accordance with the following provisions of this section may, in accordance with those provisions, be deducted from payments made by the lessee under the lease or by that person under the mineral rights order, or be otherwise recovered by the lessee or that person.

(2) Subsection (1) above—

(a) does not apply in relation to any mining lease made after 15th February 1951 and before 1st August 1951 which contained a provision expressly excluding the operation of paragraph (b) of section 6(2) of the Act of 1951, and

(b) does not authorise the deduction or recovery of any sum on account of contributions paid in respect of any ironstone which is worked free of tonnage royalty under a lease by virtue of any premium or rent paid or accrued due before 1st January 1955.

(3) Subject to subsection (5) below, the sum which may be deducted or recovered under subsection (1) above on account of

contributions at the full rate shall be determined in accordance with an order made by the Secretary of State.

(4) An order under this section shall specify either—

(a) a rate of deduction per ton on account of each ton in respect of which the full rate contributions were paid ; or

(b) a deduction of a proportion of the amount of the full rate contributions paid ;

and different rates per ton or different proportions may be specified in such an order in respect of such different leases or classes of lease or different mineral rights orders or classes of mineral rights order as may be so specified.

(5) Every order under this section shall be so framed as to secure that the amount which, by virtue of the order, may be deducted from payments under a mining lease or mineral rights order by the lessee or other person concerned in respect of each ton of ironstone extracted under that lease or order is not less than the amount which he was entitled to deduct under section 3(2A) of the Act of 1951 in respect of each ton so extracted in the year ending 31st March 1971.

(6) Where the value of the royalties under the lease or mineral rights order concerned is less than the value of a full royalty, the sum which may be deducted or recovered under subsection (1) above shall be reduced proportionately.

(7) Schedule 1 to this Act (which reproduces, by reference to the provisions of this section, the provisions of paragraphs 4 to 8 of Schedule 3 to the Act of 1951) shall have effect for supplementing the provisions of this section.

3.—(1) The Secretary of State may by order from time to time vary the rate which is the standard rate for the purposes of section 9 of the Act of 1951 (payments to operators from Ironstone Restoration Fund by reference to excess of cost of works of restoration over the standard rate). Variation of the standard rate.

(2) An order under this section shall have effect with respect to work completed after such date as may be specified in the order, and in making an order under this section the Secretary of State shall have regard—

(a) to the rate which, immediately before the order is made, is the standard rate for the purposes of section 9 of the Act of 1951 ; and

(b) to any change in the cost of labour and materials and of other items relevant to the cost of carrying out any such works as are referred to in section 9(1) of the Act of 1951 since that rate was last determined under this section or, in the case of the first order made under this section, since 25th July 1950 (the date as at which costs were assessed under section 9(3) of the Act of 1951, as originally enacted).

Consultation with ironstone operators and owners and abolition of existing Advisory Committee.

4.—(1) Before making an order under any of the preceding provisions of this Act, the Secretary of State shall consult such persons or bodies of persons as appear to him to be representative of ironstone operators and of owners of interests in land from which ironstone is extracted as mentioned in section 1 above.

(2) The Advisory Committee on Ironstone Restoration, established under section 34 of the Act of 1951, is hereby abolished.

Orders.

5.—(1) Any power of the Secretary of State under this Act to make an order shall be exercisable by statutory instrument.

(2) A statutory instrument made in the exercise of any such power shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) An order made by the Secretary of State under any provision of this Act may be revoked or varied by a subsequent order made under that provision.

Amendments and repeals.

6.—(1) The amendments of the Act of 1951 specified in Schedule 2 to this Act shall have effect, being, with the exception of an amendment to substitute an equivalent amount in decimal currency, amendments consequential on the provisions of this Act.

(2) The amendment of section 9 of the Act of 1951 specified in Schedule 2 to this Act shall have effect only with respect to work completed after the date specified, as mentioned in subsection (2) of section 3 above, in the first order made under that section.

(3) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) Nothing in Schedule 2 or Schedule 3 to this Act shall affect the continued operation of section 3 of, or Schedule 3 to, the Act of 1951, or of any other enactment referred to in those Schedules, in relation to ironstone extracted before 1st April 1971 and the contributions paid or payable in respect of that ironstone.

Short title, citation, interpretation and extent.

7.—(1) This Act may be cited as the Mineral Workings Act 1971 and this Act and the Act of 1951 may be cited together as the Mineral Workings Acts 1951 and 1971.

(2) In this Act—

(a) the expressions “the full rate”, “operator” and “the Act of 1951” have the meanings assigned to them by section 1 above;

(b) the expression “mineral rights order” has the meaning assigned to it by section 2(1) above; and

(c) the expressions “full restoring lease”, “royalty”, “ton” and “tonnage royalty” have the meanings assigned to them by section 41(1) of the Act of 1951.

(3) Except where the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by or under any other enactment, including this Act.

(4) This Act extends to England and Wales only.

SCHEDULES

Section 2.

SCHEDULE 1**PROVISIONS SUPPLEMENTARY TO SECTION 2**

1.—(1) For the purposes of section 2 of this Act and of this Schedule—

- (a) the value of the royalties under a lease shall be taken to be the capitalised value as at 1st January 1955 of all royalties payable thereunder in respect of ironstone for any period on or after that date ;
- (b) the value of a full royalty, in relation to a lease, shall be taken to be the capitalised value as at 1st January 1955 of such royalties as would be payable under a mining lease of all ironstone comprised in the actual lease which was unworked on that date, being a lease granted immediately before 7th January 1947 by a willing lessor to a willing lessee for a term equal to the unexpired portion of the term of the actual lease and otherwise on the same terms (other than terms relating to royalties) as that lease,

assuming, in each case, that all such unworked ironstone as is mentioned above would be worked during the term of the lease.

(2) For the purpose of determining the values specified in sub-paragraph (1) above, no account shall be taken of any right of the lessee to work any ironstone by virtue of any such premium or rent as is mentioned in subsection (2)(b) of section 2 of this Act or to make deductions in accordance with that section.

2. The sums authorised by section 2 of this Act to be deducted on account of any full-rate contributions may be deducted from any royalty under the lease which is due when the contributions are made, and if and so far as they exceed the amount of the royalties then due may be deducted from any royalty, rent or other payment becoming due under the lease at any time thereafter or recovered from the person for the time being entitled to the reversion expectant on the determination of the lease.

3. Where royalties under the lease are payable to two or more persons, the deductions authorised by section 2 of this Act shall be apportioned between them in proportion to the values of those royalties respectively, and in any such case the amount so apportioned in respect of each such royalty may be deducted in accordance with paragraph 2 above from any royalty, rent or other payment due or becoming due to the person entitled to receive that royalty, or recovered from him or his successors in title.

4.—(1) Where the ironstone in respect of which the full-rate contributions are paid is comprised in more than one lease to which section 2(1) of this Act applies, not being leases of which one is derived (whether immediately or not) from another, then, subject to sub-paragraph (2) below, the provisions of this Schedule shall apply as if the leases constituted a single lease.

(2) Except as provided by sub-paragraph (1) above, the provisions of this Schedule shall apply separately in relation to every lease to which section 2(1) of this Act applies in which the ironstone is comprised.

SCH. 1

5. This Schedule shall apply with any necessary adaptations in relation to a mineral rights order as if that order were a lease and the person granted thereby a right to work minerals were the lessee under that lease.

SCHEDULE 2

Section 6.

AMENDMENTS OF THE ACT OF 1951

1. In section 2 (financial provisions about the Ironstone Restoration Fund) in subsection (2) after the word "Act", in the second place where it occurs, there shall be inserted the words "or the Mineral Workings Act 1971".

2. In section 4(1) (returns by operators) for the words "section three of this Act" there shall be substituted the words "section 1 of the Mineral Workings Act 1971".

3. In section 8(1) (Exchequer contributions) for the words "section three of this Act" there shall be substituted the words "section 1 of the Mineral Workings Act 1971" and for the words "three-farthings" there shall be substituted the word ".3125p".

4. In section 9, in subsection (3), for the words from "means" to the end of the subsection there shall be substituted the words "such rate as may for the time being be specified under section 3 of the Mineral Workings Act 1971".

5. In section 15(1) (modifications in relation to the British Steel Corporation) after the words "foregoing provisions of this Act" there shall be inserted the words "and the provisions of sections 1, 2 and 3 of the Mineral Workings Act 1971".

6. In section 41(1) (interpretation) in the definition of "operator" for the words "section three of this Act" there shall be substituted the words "section 1 of the Mineral Workings Act 1971".

SCHEDULE 3

Section 6.

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 60.	The Mineral Workings Act 1951.	Section 3. In section 10(5)(b), the words “ the Advisory Committee on Ironstone Restoration or ” and the word “ other ”. Section 15(2), as revived by section 35 of the Iron and Steel Act 1967. Section 34. In section 39(1), the words “ or section nine ”. Schedule 3.
2 & 3 Eliz. 2. c. 72.	The Town and Country Planning Act 1954.	Section 56. In section 69(1) the paragraph beginning “ royalty ”. In section 71, subsections (1) and (3). In Schedule 7, paragraphs 6 and 7.

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