



Mineral Workings Act 1985

1985 CHAPTER 12

8 Works on former mining land etc.

- (1) This section applies where a local authority propose to carry out works on any land under section 89(2) of the National Parks and Access to the ^{M1}Countryside Act 1949 for the purpose of reclaiming or improving land under which relevant operations have been, but are no longer being, carried out or of enabling it to be brought into use; and in this section “relevant operations” has the same meaning as in section 89(2).
- (2) If the conditions mentioned in subsection (3) below are fulfilled the authority may carry out the works without the consent of persons interested in the land first-mentioned in subsection (1) above, notwithstanding section 89(3) of the 1949 Act (which requires such consent).
- (3) The conditions are that—
 - (a) in the authority’s opinion the surface of the land under which the relevant operations have been carried out has collapsed or is in imminent danger of collapse,
 - (b) in the authority’s opinion the works are necessary as a matter of urgency because in their opinion there is, or is likely to be, a risk of death of or injury to persons or damage to other land or other property, and
 - (c) any person who has not given his consent as required by section 89(3) has in the authority’s opinion withheld consent unreasonably or has, after reasonable inquiry by the authority, not been identified or (though identified) not been traced.
- (4) The authority shall not carry out the works as mentioned in subsection (2) above unless they give notice that they propose to do so to any person who, after reasonable inquiry by the authority, appears to them to be interested in the land on which they propose to carry out the works and has been traced.
- (5) A notice under subsection (4) above shall state when the authority propose to start the works and shall contain such other information, be in such form, and be given in such manner and at such time before it is proposed to start the works, as may be prescribed.

Changes to legislation: There are currently no known outstanding effects for the Mineral Workings Act 1985, Section 8. (See end of Document for details)

- (6) Where notice has been given under subsection (4) above, a person interested in the land may (whether or not he has been given such notice) apply to the Secretary of State, not less than 10 clear days before the date stated in the notice as that when the authority propose to start the works, for a decision whether or not the works may be carried out without the consent of all persons interested in the land.
- (7) Where a person so applies, the Secretary of State shall as soon as practicable notify the authority of the application, and the works shall not be carried out as mentioned in subsection (2) above unless he indicates that he has decided that they may be carried out as so mentioned.
- (8) Regulations made by the Secretary of State may prescribe the manner of making applications under subsection (6) above, the grounds on which they may be made, the procedure for reaching and indicating decisions on them, and such other matters relating to them as the Secretary of State thinks expedient.
- (9) Where in consequence of the carrying out of works as mentioned in subsection (2) above any damage is caused to land or chattels, or any depreciation of the value of an interest in land occurs, or any loss occurs in relation to chattels, the authority shall pay to every person interested in the land or chattels compensation in respect of the damage, depreciation or loss.
- (10) Where in consequence of the carrying out of works as mentioned in subsection (2) above any person is disturbed in his enjoyment of land or chattels the authority shall pay to that person compensation in respect of the disturbance.
- (11) Any dispute about a right to compensation under this section or about its amount shall be referred to and determined by the [^{F1}Upper Tribunal]; and in relation to the determination of any such dispute [^{F2}section] and 4 of the ^{M2}Land Compensation Act 1961 shall apply (construing the references in section 4 of the acquiring authority as references to the authority carrying out the works).
- (12) In this section “prescribed” means prescribed by regulations made by the Secretary of State.
- (13) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words in s. 8(11) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 170(a)** (with Sch. 5)
- F2** Word in s. 8(11) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 170(b)** (with Sch. 5)

Marginal Citations

- M1** 1949 c. 97.
- M2** 1961 c. 33.

Changes to legislation:

There are currently no known outstanding effects for the Mineral Workings Act 1985, Section 8.