SCHEDULES

SCHEDULE 23

MINERAL RIGHTS

Acquisition of mineral rights

1 (1) This paragraph applies in each of the following cases, that is to say—

(a) where the **[**[F1]appropriate agency**]** acquires any land (whether compulsorily in exercise of any power conferred by or under this Act or otherwise); and

(b) where the **[**[F1]appropriate agency**]** carries out any works in relation to any land for the purposes of, or in connection with, the carrying out of any of its functions.

(2) Subject to sub-paragraph (3) below, the **[**[F1]appropriate agency**]** shall not, by virtue only of its acquisition of the land or the carrying out of the works, become entitled to any mines or minerals lying under the land; and, accordingly, any such mines or minerals shall be deemed to be excepted from any instrument by virtue of which the land vests in the **[**[F1]appropriate agency**]** unless express provision to the contrary is contained—

(a) where the land vests in the **[**[F1]appropriate agency**]** by virtue of a conveyance, in the conveyance; or

(b) where the land is acquired by the **[**[F1]appropriate agency**]** in pursuance of any power of compulsory acquisition conferred by or under this Act, in the order authorising the acquisition.

(3) The **[**[F1]appropriate agency**]** shall be entitled to such parts of any mines or minerals that lie under the land as it may be necessary for it to dig, carry away or use in carrying out any works for the purpose of constructing, making, erecting or laying any part of its undertaking.

Textual Amendments

F1 Words in Sch. 23 paras. 1-7 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 315(a)** (with Sch. 7)

Changes to legislation:
There are currently no known outstanding effects for the Water Resources Act 1991, Paragraph 1.