



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART XIII

### APPLICATION OF ACT TO SPECIAL CASES

#### *Minerals*

#### **197 Power to modify Act in relation to minerals**

- (1) In relation to development consisting of the winning and working of minerals, the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto shall have effect subject to such adaptations and modifications as may be prescribed by regulations made under this Act with the consent of the Treasury.
- (2) In relation to interests in land consisting of or comprising minerals (being either the fee simple or tenancies of such land) and in relation to claims established (as mentioned in subsection (2) of section eighty-nine of this Act) wholly or partly in respect of such land, the provisions of this Act specified in paragraph 2 of the Eighth Schedule thereto shall have effect subject to such adaptations and modifications as may be prescribed by regulations made under this Act with the consent of the Treasury.
- (3) Regulations made for the purposes of this section shall be of no effect unless they are approved by resolution of each House of Parliament.
- (4) Any regulations made by virtue of subsection (1) of this section shall not apply—
  - (a) to the winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for those purposes, or
  - (b) to development consisting of the winning and working of any minerals vested in the National Coal Board, being development to which any of the provisions of this Act relating to operational land of statutory undertakers apply by virtue of regulations made under section two hundred and four of this Act;

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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and nothing in subsection (1) of this section or in this subsection shall be construed as affecting the prerogative right of Her Majesty (whether in right of the Crown or of the Duchy of Lancaster) or of the Duke of Cornwall to any gold or silver mine.

### **198 Modification of Mines (Working Facilities and Support) Act, 1923**

- (1) Where a development plan provides that any land is to be used for the purpose of securing the winning and working of any minerals comprised therein, then, without prejudice to the powers conferred by Part V of this Act in relation to land designated by a development plan as subject to compulsory acquisition, the provisions of the Mines (Working Facilities and Support) Act, 1923, shall have effect in relation to the land subject to such modifications as may be prescribed by regulations made under this Act by the Minister and the Minister of Power.
- (2) Regulations made for the purposes of this section may in particular provide for securing—
  - (a) that a right to work any minerals in the land may be granted by the High Court under the said Act of 1923 to any person who is desirous of working them, either by himself or through his lessees, and who is unable to obtain the necessary rights by agreement on reasonable terms ;
  - (b) that for the purposes of the determination by the court of an application for any such right, it shall be assumed that the winning and working of the minerals is expedient in the national interest; and
  - (c) that the compensation or consideration in respect of any such right which is granted by the court shall be assessed having regard to the amount of the compensation which would be payable in respect of a compulsory acquisition of the minerals under Part V of this Act.
- (3) Subsections (3) and (4) of the last preceding section shall apply to the provisions of this section and to any regulations made thereunder as they apply to the provisions of subsection (1) of that section and to regulations made by virtue of that subsection.