



# 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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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.