



Mineral Workings Act 1951

1951 CHAPTER 60

Supplementary provisions

33 Offences

- (1) If any person fails without reasonable excuse to make any return, or to furnish any information, which he is required to make or furnish under this Act, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds; and if being convicted of an offence under this subsection he continues to make the like default, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding five pounds for each day on which the default continues after the first mentioned conviction.
- (2) If any person, for the purpose of obtaining a payment under this Act or of evading payment of any sum by way of contributions thereunder, knowingly makes any false statement or false representation, or produces or furnishes or causes or knowingly allows to be produced or furnished any document or information which he knows to be false in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both.
- (3) If any person discloses any information relating to any particular undertaking which has been furnished to or obtained by him in pursuance of this Act, he shall, unless the disclosure is made—
 - (a) with the consent of the person carrying on that undertaking; or
 - (b) in connection with the execution of this Act; or
 - (c) for the purposes of any proceedings under this Act or of any criminal proceedings arising out of this Act, or of any report of such proceedings,be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both.
- (4) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity,

he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (5) Nothing in this section shall be construed as preventing the Minister from recovering by means of civil proceedings any sums due to him on account of the fund.

34 Advisory Committee on Ironstone Restoration

- (1) For the purpose of advising the Minister on questions referred to them under this section, the Minister shall appoint a Committee, to be known as the Advisory Committee on Ironstone Restoration, consisting of such number of members as the Minister may from time to time determine.
- (2) The chairman and other members of the Advisory Committee on Ironstone Restoration shall be appointed by the Minister, and shall hold and vacate office in accordance with the terms of the instrument by which they are appointed.
- (3) The Minister may refer to the Advisory Committee on Ironstone Restoration any question arising in connection with the determination of payments to be made to operators under section nine of this Act, or of the standard rate within the meaning of that section, or any other question connected with functions of the Minister in respect of the restoration of worked ironstone land, whether exercisable under this Act or otherwise.
- (4) The Minister may pay to the members of the Advisory Committee on Ironstone Restoration such remuneration or allowances as he may with the consent of the Treasury determine.

35 Notices

Section one hundred and five of the principal Act (which relates to the service of notices under that Act) shall apply to any notice required or authorised to be served under this Act.

36 Powers of entry

- (1) Any person duly authorised in writing by the Minister may, at any reasonable time—
- (a) for the purpose of inspecting any accounts or records which an operator has failed to produce in accordance with a requirement under subsection (2) of section four of this Act or of obtaining any information which an operator has failed to furnish in accordance with such a requirement, enter upon any land under the control of the operator;
 - (b) for the purposes of the making of any determination under section ten of this Act, or of the variation of any such determination, or of the verification of any claim made by an operator under section twelve of this Act, enter on any land to which the determination or claim relates.
- (2) Any person duly authorised in writing by a local planning authority may, at any reasonable time, enter upon any land for the purposes of the verification, at the request of the Minister, of any such claim as is mentioned in paragraph (b) of subsection (1) of this section relating to the land.
- (3) Any person duly authorised in writing by the Minister of Agriculture and Fisheries or by a local authority may, at any reasonable time, enter upon any land for purposes

connected with the carrying out on neighbouring land, being worked ironstone land, of any works which the Minister of Agriculture and Fisheries or local authority have power to carry out under any enactment (including this Act) and may deposit on any land so entered upon any machinery or materials used or to be used in connection with the works and remove from the land any machinery or materials so deposited.

- (4) Any person duly authorised in writing by a local authority may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with any proposal to acquire that or any other land under this Act, or in connection with any claim for compensation in respect of any such acquisition.

37 Provisions supplementary to s. 36

- (1) Subsections (4), (5), (6) and (9) of section one hundred and three of the principal Act (which contain supplementary provisions relating to the powers of entry conferred by that section) shall apply in relation to any power to enter on land conferred by section thirty-six of this Act as they apply in relation to the powers conferred by the said section one hundred and three, and the proviso to the said subsection (9) (which imposes certain restrictions in respect of the carrying out of works authorised by that subsection) shall have effect as so applied as if references to works authorised by that subsection included references to works authorised by subsection (3) of the said section thirty-six.
- (2) Where in the exercise of any power to enter land conferred by section thirty-six of this Act any damage is caused to land or to chattels, any person interested in the land or chattels may recover compensation in respect of that damage from the Minister or local authority on whose behalf the power is exercised; and where in consequence of the exercise of any such power any person is disturbed in his enjoyment of any land or chattels, he may recover from the said Minister or local authority compensation in respect of the disturbance.
- (3) Section one hundred and ten of the principal Act (which provides for the determination of disputes as to compensation under that Act) shall apply to any question of disputed compensation under this section.
- (4) Any expenses of the Minister or the Minister of Agriculture and Fisheries in the payment of compensation under this section shall be defrayed out of moneys provided by Parliament.

38 Powers of new town corporations

- (1) The following provisions shall have effect in relation to land within a new town area, that is to say:—
- (a) the development corporation may, with the approval of the Minister, exercise in relation to any such land any of the powers conferred by section sixteen of this Act on a local authority;
 - (b) without prejudice to the provisions of subsection (5) of the said section sixteen, a local authority shall not carry out or make arrangements for the carrying out of any works under that section on such land except with the consent of the said corporation;
 - (c) the following provisions of this Act, that is to say, section twenty-seven (except paragraph (b) of subsection (1)), subsection (3) of section thirty-six and section thirty-seven, shall apply to the said corporation as if it were a local

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authority, and references in those provisions to a local authority and to the area of a local authority shall be construed accordingly ; and

- (d) any expenditure incurred by the said corporation in the exercise of powers conferred by this section, or in the payment of compensation thereunder, shall be defrayed out of the fund.
- (2) In this section " new town area " and " development corporation " mean respectively an area designated under section one of the New Towns Act, 1946, as the site of a new town and the development corporation established for the purposes of that new town under section two of that Act.

39 Regulations

- (1) Any power to make regulations under this Act, the power of the Minister to make orders under section one, section seven or section nine of this Act and the power of the Treasury to determine rates of interest under subsection (3) of section four of this Act, shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing an order made under section seven of this Act, or containing regulations made under this Act (other than regulations made by virtue of section twenty-nine of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament; and subsection (5) of section eighty-one of the principal Act (which provides that regulations made for the purposes of that section shall be of no effect unless approved by resolution of each House of Parliament) shall apply to regulations made by virtue of the said section twenty-nine.
- (3) In the application of this section to Scotland, for the reference to subsection (5) of section eighty-one of the principal Act there shall be substituted a reference to subsection (5) of section seventy-eight of the Town and Country Planning (Scotland) Act, 1947.

40 Financial provisions

- (1) The Minister shall pay into the Exchequer out of the fund, at such times and in such manner as the Treasury may direct—
 - (a) such sums as the Minister and the Minister of Agriculture and Fisheries may respectively estimate in accordance with directions given by the Treasury to be equal to the amount of any administrative expenses incurred by them respectively under this Act in relation to ironstone and worked ironstone land (including any remuneration or allowances paid to the members of any committee appointed or designated by the Minister under this Act);
 - (b) such sum as the Minister of Agriculture and Fisheries may estimate as aforesaid to be equal to the amount of any expenses incurred By him in the management of or farming of worked ironstone land within the ironstone district.
- (2) The Minister shall pay into the Forestry Fund out of the fund, at such times and in such manner as the Treasury may direct—
 - (a) such sum as the Minister of Agriculture and Fisheries may estimate as aforesaid to be equal to the amount of any administrative expenses incurred by the Forestry Commissioners under this Act;

- (b) a sum equal to the amount of any expenses incurred by those Commissioners in the payment of grants in accordance with subsection (1) of section twenty-five of this Act;
 - (c) such sum as the Minister of Agriculture and Fisheries may estimate as aforesaid to be equal to the amount of any expenses incurred by those Commissioners in the afforestation of worked ironstone land within the ironstone district acquired by the Minister of Agriculture and Fisheries under the Forestry Act, 1945.
- (3) Any expenses of the Minister of Agriculture and Fisheries in the payment of grants under section twenty of this Act or in the payment of remuneration or allowances to any person or persons appointed by that Minister for the purposes of subsection (6) of section twenty-two of this Act shall be defrayed out of the fund.
- (4) Subject to the provisions of subsections (1) and (2) of this section, any such expenses as are mentioned therein shall be defrayed, in the case of expenses of the Minister or the Minister of Agriculture and Fisheries out of moneys provided by Parliament, and in the case of expenses of the Forestry Commissioners out of the Forestry Fund.
- (5) There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such moneys under Part I or Part II of the Local Government Act, 1948.
- (6) Any expenses of the Minister of Transport under section thirty-two of this Act shall be defrayed in accordance with the provisions of section forty-nine of the principal Act or section forty-six of the Town and Country Planning (Scotland) Act, 1947, as the case may be.

41 Interpretation

- (1) In this Act, except where the contrary is provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
- " the appointed day " means the day appointed by the Minister to be the appointed day for the purposes of the principal Act, that is to say, the first day of July, nineteen hundred and forty-eight;
 - " development value " has the same meaning as it has for the purposes of Part VI of the principal Act;
 - " full restoring lease " means a mining lease imposing on the lessee an obligation to restore to a condition suitable for the purposes of agriculture all land excavated under the lease in the course of winning and working ironstone by opencast operations and containing no provision for the payment of sums in lieu of compliance with that obligation in respect of any of the land or by way of liquidated damages for failure to comply with it;
 - " the fund " means the Ironstone Restoration Fund established under section two of this Act;
 - " the ironstone district " has the meaning assigned to it by section one of this Act;
 - " levelling ", in relation to worked ironstone land, includes the removal or redistribution of materials comprised therein, whether or not the original contours of the land are preserved, and any operations for consolidating the land after levelling;

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" management ", in relation to land, includes provision, improvement, maintenance and repair of fixed equipment within the meaning of the Agriculture Act, 1947 ;

" the Minister " means the Minister of Local Government and Planning;

" operator " has the meaning assigned by section three of this Act;

" plant " includes machinery;

" prescribed " means prescribed by regulations made by the Minister;

" the principal Act " means the Town and Country Planning Act, 1947;

" royalty " (except in the expression " tonnage royalty ") includes a dead rent and any periodical or other payment for minerals got under a mining lease, and " tonnage royalty " means a royalty calculated by reference to the amount of minerals so got from time to time, or of manufactured articles produced from such minerals, or by any similar method ;

" ton " means a ton of two thousand two hundred and forty pounds;

" worked ironstone land " means land which has been excavated in the course of winning and working ironstone by opencast operations, and includes land on which materials extracted in the course of such operations have been deposited;

and (except as aforesaid) expressions denoted in the principal Act have the same meanings as in that Act.

- (2) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including, except where the context otherwise requires, this Act.
- (3) In the application of this section to Scotland, for references to the principal Act (except in the definition of that expression) and to Part VI of that Act there shall be substituted references to the Town and Country Planning (Scotland) Act, 1947, and to Part V of that Act.

42 Application to Scotland

- (1) The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.
- (2) Sections one to twenty-eight and sections thirty-three to thirty-eight of, and the Schedules to, this Act shall not extend to Scotland.
- (3) For any reference to the Minister of Local Government and Planning (other than a reference in section forty of this Act) there shall be substituted a reference to the Secretary of State.
- (4) For any reference to the High Court there shall be substituted a reference to the Court of Session.
- (5) For any reference to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland :

Provided that until sections one to three of the Lands Tribunal Act, 1949, come into force as regards Scotland this subsection shall have effect as if for the reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919,

and sections three, five and six of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Act by an arbiter so appointed.

43 Short title, extent and repeal

- (1) This Act may be cited as the Mineral Workings Act, 1951.
- (2) This Act shall not extend to Northern Ireland.
- (3) Subsection (6) of section forty-nine and subsection (3) of section eighty-one of the principal Act and subsection (6) of section forty-six and subsection (3) of section seventy-eight of the Town and Country Planning (Scotland) Act, 1947, are hereby repealed.