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STATUTORY INSTRUMENTS

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**1985 No. 814**

**The Mining Dereliction (Compulsory Works) (Procedure) Regulations 1985**

**PART III**

**APPLICATIONS TO THE SECRETARY OF STATE**

*Grounds of application*

6. An application to the Secretary of State may be made on any of the following grounds:—
- (a) that the surface of the land under which the relevant operations have been carried out has not collapsed or, as the case may be, is not in imminent danger of collapse;
  - (b) that there is no risk, or no likely risk, of death of or injury to persons or damage to other land or other property;
  - (c) that the works specified in the works notice exceed those which are reasonably required;
  - (d) that consent to the carrying out of the works so specified has not been withheld unreasonably;
  - (e) that the authority have not made sufficient attempt to identify or trace all of the persons interested in the land.

*Form and content of application*

7. An application to the Secretary of State shall be made in writing, and shall specify the grounds on which it is made and the facts upon which the applicant proposes to rely in support of each of those grounds.

*Determination of application*

8. The Secretary of State may appoint such person or persons as he thinks fit for the purpose of—
- (a) inspecting the land to which the works notice relates; and
  - (b) undertaking such consultations with the applicant and with the authority as the appointed person considers necessary.
9. The person or persons appointed by the Secretary of State shall so far as practicable complete their inspection and any consultations within 7 days of the date of their appointment.
- 10.—(1) The decision of the Secretary of State may be given in writing or orally; and where the decision is given orally, it shall as soon as practicable thereafter be confirmed in writing.
- (2) The Secretary of State shall, when giving his decision (or, in the case of a decision given orally, when confirming that decision in writing), state his reasons for it.