



# Mineral Development Act (Northern Ireland) 1969

## 1969 CHAPTER 35

### GENERAL PROVISIONS AS TO COMPENSATION, ETC.

#### **41 Making of claims to the Ministry.**

The following provisions shall have effect with respect to every claim for compensation which is payable by the Ministry under this Act, or for the percentage mentioned in section 37:—

- (a) the claim shall be in such form and shall be made and verified in such manner as may be specified by the Ministry;
- (b) the claim shall state—
  - (i) the nature of the applicant's interest in the land or the mines and minerals or the profits with respect to which the claim is made;
  - (ii) the description of the land, or the situation, nature and extent of the mines and minerals, in respect of which his interest exists;
  - (iii) all claims or estates to which his interest is subject; and
  - (iv) such other particulars as may be specified by the Ministry;
- (c) the person making the claim shall, if required so to do by the Ministry, furnish in writing such other information as is within his knowledge or can reasonably be procured by him as the Ministry may require for the consideration of the claim.

#### **42 Satisfaction of claims.**

- (1) Without prejudice to any award of the Lands Tribunal, where compensation under section 29 or 35, or the percentage mentioned in section 37, is payable to any person otherwise than by way of a lump sum, the Ministry may make payments to that

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person in respect of the compensation or percentage at such times or intervals as are reasonable having regard to the size and nature of the payments concerned.

- (2) The provisions of paragraphs 12 and 14 to 17 of Schedule 2 shall have effect with respect to the satisfaction of claims for such compensation or percentage as they have effect with respect to the satisfaction of claims for compensation which is payable under that Schedule with—
- (a) the substitution for any reference to the last-mentioned compensation of a reference to such compensation or, as the case requires, such percentage as aforesaid;
  - (b) the substitution for any reference to the compensation fund of a reference to the Ministry;
  - (c) in paragraph 16, the substitution for the reference to the date of the vesting of the land or ancillary rights of a reference to—
    - (i) in the case of compensation payable under section 29, the date of the expiration of one month after the date of the receipt by the Ministry of the purchase money, fine, rent, royalties or other sum giving rise to the profits out of which the compensation is payable, or
    - (ii) in the case of compensation payable under section 35, the date of the commencement of section 1, or
    - (iii) in the case of the said percentage, the date of the expiration of one month after the date of the receipt by the Ministry of the rent, purchase money or other net profit out of which that percentage is payable;
 and the omission of the words from “or where the compensation is payable by instalments” to “the instalment falls due” .

#### **43 Disposal of certain dormant or unclaimed moneys.**

- (1) Where any money received by the Ministry under any disposition of rights to or in relation to mines and minerals made, or in consideration of any disposal of minerals worked, by the Ministry may include sums which are due by the Ministry to any person—
- (a) in respect of compensation under section 29; or
  - (b) under the second proviso to section 13(3) of the Irish Land Act 1903 ;
- and the circumstances are such that paragraph 15 of Schedule 2 as modified by section 42(2) does not apply, then, if the moneys have remained dormant or unclaimed in the hands of the Ministry for a period of six years at least before the first day of January then last past, the Ministry of Finance may direct that all such moneys, and any interest accrued thereon, and any further moneys received by the Ministry under the same disposition or in consideration of corresponding disposals shall be transferred to the Exchequer.
- (2) Where, on an application to the Lands Tribunal made after the date on which any moneys were transferred to the Exchequer under section 19(1) of the Act of 1959 or, as the case may be, subsection (1), the Tribunal is satisfied that any person claiming is entitled to any payment out of those moneys, the Tribunal may order accordingly, and on receipt of such an order the Ministry of Finance shall issue out of the Consolidated Fund such sums as are necessary to provide for the payment so ordered, and shall make such payment.
- (3) Where the Ministry of Finance pays any moneys to any person in pursuance of an order made under subsection (2), that Ministry shall pay to him interest upon those moneys

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from the date of their transfer to the Exchequer under section 19(1) of the Act of 1959 or, as the case may be, subsection (1) until the time of the payment of the moneys and interest to the person entitled thereto and shall issue out of the Consolidated Fund such sums as are necessary to provide for that interest.

- (4) The rate of interest payable under subsection (3) shall be such rate as may be determined by the Ministry of Finance.
- (5) In relation to sums such as are mentioned in paragraph (b) of subsection (1) the reference in that subsection to moneys received or any disposition made includes a reference to moneys received or a disposition made before the commencement of this section.

#### **44 Provisions with respect to land subject to Land Purchase Annuity.**

- (1) This section applies where—
  - (a) any consideration or compensation in respect of the acquisition of land or ancillary rights is payable under this Act, or compensation for damage to land is payable under section 38, and
  - (b) the land in respect of which the consideration or compensation is payable is subject to an annuity under the Land Purchase Acts which is payable by the person, or one of the persons, entitled to the consideration or compensation.
- (2) Where the amount of the consideration or compensation is fixed by agreement or any question with respect to that amount is referred to the Lands Tribunal,—
  - (a) the parties to the agreement, at least fourteen days before the payment of the consideration or compensation in pursuance thereof, or
  - (b) the parties to the reference, at least fourteen days before the hearing thereof, shall serve on the Ministry of Finance notice in writing of the agreement or, as the case may be, the reference.
- (3) Where a notice is served on the Ministry of Finance under subsection (2),—
  - (a) if that Ministry so requires in connection with an agreement, the person liable to pay the consideration or compensation shall pay, or
  - (b) if that Ministry so requests the Lands Tribunal in connection with a reference to the Tribunal, the Tribunal shall order the person liable to pay the compensation to pay,to that Ministry the whole or such lesser part of the consideration or, as the case may be, the compensation payable to the person mentioned in subsection (1)(b) as is equivalent in value to the arrears, if any, of the annuity, to be applied in discharge of the arrears.
- (4) Where any notice required to be served on the Ministry of Finance under subsection (2) is not so served,—
  - (a) where the amount of consideration or compensation is fixed by agreement, the payment of the amount so fixed shall not operate as a good discharge to the person paying that amount of his liability to pay the consideration or compensation;
  - (b) where any question with respect to the amount of compensation is referred to the Lands Tribunal, the Tribunal shall adjourn the hearing of the reference until the requirements of that subsection have been complied with.

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- (5) The payment to the Ministry of Finance, by the person who is under a liability to pay the consideration or compensation, of any moneys under subsection (3) shall operate as a discharge of his liability to the extent of the payment.

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