



# Mineral Development Act (Northern Ireland) 1969

## 1969 CHAPTER 35

### WORKING OR DISPOSAL OF MINES AND MINERALS VESTED IN THE MINISTRY

#### **15 Power of Ministry to work mines and minerals.**

The Ministry may, subject to any rights conferred by any lease or licence granted by the Ministry, work any mines and minerals vested in the Ministry and may dispose of any minerals so worked by sale or otherwise.

#### **16 Power to sell estate in mines and minerals.**

Where mines and minerals in any land are vested in the Ministry, the Ministry may sell its full estate in them or any lesser estate.

#### **17 Mining leases.**

- (1) Subject to the succeeding provisions of this section, the Ministry may make a lease (in this Act referred to as a “mining lease”) of any rights to or in relation to mines and minerals of any description which are vested in the Ministry.
- (2) A mining lease may contain a clause providing for the renewal or successive renewals thereof, either unconditionally or subject to such conditions as may be stated in the lease.
- (3) In exercising the powers conferred on it by this section and in particular in fixing the payments to be made by the lessee under a mining lease and determining what covenants or conditions should be contained in the lease the Ministry may take into consideration the general advantages that are likely to accrue to Northern Ireland from the development of the mines and minerals demised by the mining lease.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969. (See end of Document for details)*

- (4) Where the payments to be made by the lessee under a mining lease are proposed to be fixed at a reduced amount in consideration of any advantages such as are mentioned in subsection (3), the Ministry shall not grant the lease otherwise than with the approval of the Ministry of Finance, and if the payments are so fixed that fact shall be stated in the lease.

## **18 Mining licences.**

The Ministry may grant by way of licence (in this Act referred to as a “mining licence” ) the right to work or otherwise deal with mines and minerals of any description which are vested in the Ministry.

## **19 Mining permissions.**

- (1) Where mines and minerals of any description are vested in the Ministry, and any person—
- (a) desires to obtain permission to work minerals of that description in small quantities by means of such mines or otherwise, and
  - (b) satisfies the Ministry that, on account of the small value or quantity of the minerals which he desires to work, or the limited period for which he desires to work them, or for any other reason, the permission required is of minor importance and will not materially affect the deposit of minerals vested in the Ministry,

the Ministry, on the application of that person, may grant him permission (in this Act referred to as a “mining permission” ) to work minerals of that description, whether by any such mines or otherwise.

- (2) Every mining permission shall be in writing and shall be expressed and shall operate to confer on the person to whom it is granted a right to work mines and minerals of the description specified therein, but subject to such restrictions as to the quantity of minerals to be worked and the duration of working as may be so specified.
- (3) A mining permission shall not operate to confer on the grantee thereof an exclusive mining right in respect of the mines and minerals to which the permission relates.

## **20 Conditions of disposal.**

- (1) Before granting a mining lease, mining licence or mining permission the Ministry may require the applicant to furnish evidence as to his character, financial standing or technical qualifications.
- (2) Subject to section 21(2), before exercising any power of working mines and minerals in any land under section 15 or any power of selling an estate in such mines and minerals under section 16, and before granting any mining lease, mining licence or mining permission with respect to mines and minerals in any land, the Ministry shall notify its intention to do so by publishing in two successive weeks in the Belfast Gazette and in one or more than one newspaper circulating in the locality where the land is situated, a notice—
- (a) stating the manner in which the Ministry proposes to exercise the power;
  - (b) mentioning the land in relation to which the power is proposed to be exercised;

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- (c) naming a place or places (including at least one place in the locality) where maps identifying the land are available for inspection at all reasonable hours; and
  - (d) notifying all persons who may be concerned that payment of—
    - (i) the compensation in respect of mines and minerals for which provision is made in the succeeding provisions of this Act, or
    - (ii) the percentage provided for in section 13(3) of the Irish Land Act 1903 ,may fall to be made in consequence of the exercise of the power.
- (3) Without prejudice to subsection (2) and subject to section 21(3), the Ministry, not less than one month before exercising any power of working mines and minerals under section 15 or any power of selling or leasing under section 16 or 17, shall serve notice of its intention to do so on—
- (a) every other government department;
  - (b) every local authority within whose area is situated the land, or any part of the land, in which the mines and minerals proposed to be worked or proposed to be the subject of the sale or lease are situated;
  - (c) every public body which, in the opinion of the Ministry, will be materially affected by any activity likely to be carried on in connection with the working of those mines and minerals; and
  - (d) the owners and occupiers of the land in which the mines and minerals to be affected by the exercise of the power are situated.
- (4) Where the Ministry publishes under subsection (2), or serves under subsection (3), a notice with respect to the proposed exercise of any power, before exercising that power it shall take into account any representations which are made to it—
- (a) by any person other than a person on whom such a notice was served, before the expiration of a period of one month from the date of the last such publication;
  - (b) by the person on whom such a notice was served, before the expiration of a period of one month from the date of the service of the notice on him or such longer period as the Ministry may in any case permit in writing.
- (5) Subject to section 17(3) and section 21(1), any disposal of minerals worked under section 15, or any sale of an estate in mines and minerals under section 16, or any grant of a mining lease, mining licence or mining permission, shall be for such consideration as may appear to the Ministry to be fair, and, in the case of any such lease, licence or permission, may be for a consideration by way of royalties (with or without any other payments) calculated in such manner as may be agreed upon between the Ministry and the person in whose favour the grant is made and upon such other terms and conditions as may be specified in the instrument by which the grant is effected; and the conditions aforesaid may, in particular, include a condition regarding the giving of security by the person in whose favour the grant is made for the fulfilment of his obligations under the lease, licence or permission.
- (6) Without prejudice to subsection (5) and subject to section 21(7), it shall be a condition of the sale by the Ministry of any estate in mines and minerals or the grant of a mining lease, mining licence or mining permission that the purchaser or, as the case may be, the person to whom the lease, licence or permission is granted shall pay a reasonable sum towards the Ministry's costs in connection with the sale or grant.

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- (7) Subject to the succeeding provisions of this Act, and notwithstanding anything contained in any transferred provision, moneys received by the Ministry in respect of any consideration such as is mentioned in subsection (5) may be held by the Ministry for the purpose of being applied, so far as applicable, in paying the compensation mentioned in section 29 or the percentage mentioned in section 37.

## 21 Disposal for nominal or no consideration in certain cases.

### (1) Where—

- (a) the Ministry proposes to make any disposal of radioactive minerals, or any disposition of any estate in, or rights to or in relation to, such minerals thereof, to the Minister of Technology<sup>F1</sup> or the United Kingdom Atomic Energy Authority for the purposes of his or their functions under the Atomic Energy and Radioactive Substances Acts 1946 to 1959; or
- (b) it appears to the Ministry, after due enquiry and investigation, that minerals vested in the Ministry, of significant quantity or value, are unlikely to exist in any land, and the Ministry proposes to make a disposition of any estate in such minerals or any mines thereof to the owner of the land; or
- (c) the Ministry proposes to dispose of minerals worked under section 15, or to grant a mining permission with respect to any mines and minerals, and it appears to the Ministry that any consideration which might be obtainable therefor would be insignificant or that any payments which would fall to be made by the Ministry to other persons in consequence of the disposal or grant would be too trifling to justify the expense of distribution; or

#### *Para. (d) spent*

subject to subsection (6) of section 20 (so far as that subsection is applicable) any such disposal or disposition may be made or any such mining permission may be granted for no consideration or a nominal consideration.

### (2) Where the Ministry proposes—

- (a) to work any mines and minerals under section 15 in circumstances such that the provisions of paragraph (a) or (c) of subsection (1) are likely to apply to the disposal of the minerals gotten by such working, or
- (b) to make a disposition such as is mentioned in paragraph (a), (b) or (d) of that subsection,

it shall not be necessary for it to publish the notices mentioned in section 20(2).

- (3) Where the Ministry proposes to make a disposition of any estate in mines and minerals in any land in circumstances such as are mentioned in paragraph (b) of subsection (1), it shall not be necessary for it to serve the notices mentioned in section 20(3).

- (4) In subsection (1)(a) “radioactive minerals” means minerals from which in the opinion of the Minister of Technology<sup>F1</sup> any prescribed substance within the meaning of the Atomic Energy Act 1946 can be obtained.

- (5) Where a disposition of any estate in mines and minerals in any land is made by the Ministry under subsection (1)(b), the disposition shall not prejudice the rights of any person entitled to the whole or any part of the percentage provided for in subsection (3) of section 13 of the Irish Land Act 1903; and upon the disposition becoming operative the second proviso to the said subsection (3) shall in its application to the land have effect as if the reference therein to twenty-five per cent. of any rent, purchase money

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or other net profit received by the Ministry upon a disposal of mining rights by the Ministry were a reference to twenty-five per cent. of any rent, purchase money or other net profit in respect of the mines and minerals which is received by the owner of the land upon a disposal of any mining rights by him.

*Subs.(6) spent*

- (7) Where a disposition such as is mentioned in paragraph ( *b* ) or ( *d* ) of subsection (1) is made in circumstances where that paragraph applies, section 20(6) shall not apply but the Ministry may require the person to whom the disposition is made to pay a reasonable sum towards the Ministry's costs in connection with the disposition.

**F1** Functions transf., SI 1970/1537

## **22 Rights of entry and user of land containing mines and minerals vested in the Ministry.**

- (1) Subject to sections 47 and 58(3), for the purpose of working any mines and minerals under section 15 or for any purpose incidental thereto the Ministry may enter on or into any land in which the mines and minerals are situated and use the land in such manner as may be necessary for, or reasonably incidental to, that purpose.
- (2) Subject to subsection (3), where the Ministry sells an estate in mines and minerals or where mines and minerals are the subject of a mining lease, the Ministry may,—
- (a) by the conveyance grant to the purchaser, or
  - (b) by the lease confer on the lessee, during the currency of the lease,
- the like right of entering on or into the land in which the mines and minerals are situated, and of using the land, as the Ministry is entitled to exercise under subsection (1).
- (3) Where the mines and minerals comprised in a sale to which subsection (2) applies or a mining lease are situated in land which is owned or occupied by a government department, no exercise of the power conferred by that subsection shall be taken as authorising the purchaser or lessee to exercise any right in relation to that land otherwise than with the written consent of that department.

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