



Mineral Development Act (Northern Ireland) 1969

1969 CHAPTER 35

COMPENSATION FOR LOSS OF DEAD RENT

35^{F1} Compensation for loss of dead rent.

- (1) Subject to subsections (3) to (5), where under a disposition made before 31st July 1969 any mines and minerals vested in the Ministry by virtue of subsection (1) of section 1 were immediately before the commencement of that section held by any person subject to a dead rent or other fixed annual payment, compensation for the loss of that rent or payment (or, where the rent or payment was attributable in part to mines and minerals so vested, for the loss of the part so attributable) shall be payable by the Ministry to the person who was entitled to receive that rent or payment.
- (2) The provisions of sections 29 to 34 shall not apply to the payment of compensation under this section, and accordingly any such compensation may take the form of a lump sum payment or such other form as may be agreed or as may be determined by the Lands Tribunal.
- (3) The foregoing provisions of this section shall not confer a right to compensation for the loss of any dead rent or other payment which was payable in respect of mines and minerals with respect to which section 1(1) is deemed to have had effect by virtue of section 9(1).
- (4) If any disposition of an estate in, or rights to or in relation to, mines and minerals held as mentioned in subsection (1) is made to any person for no consideration or a nominal consideration in exercise of the power conferred by paragraph (d) of section 21(1), no compensation shall be payable under this section to that person, or any other person such as is mentioned in that paragraph, after the making of the disposition.
- (5) Where compensation in respect of mines and minerals has been paid to any person under section 29, any compensation which would otherwise be payable to him under

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this section shall be reduced by the amount of the first-mentioned compensation or such lesser amount, if any, as may be appropriate.

F1 1970 (c.24)

36 Claims for compensation under section 35 and determination of disputes.

- (1) Subject to subsection (2), every claim for compensation under section 35 for the loss of any dead rent or other payment shall be submitted to the Ministry before the expiration of the period of one year from the date of the commencement of section 1.
- (2) Where the Ministry is satisfied that good reasons exist for the failure of any person to submit a claim for the compensation mentioned in subsection (1) before the expiration of the period so mentioned, his claim may be accepted after the expiration of that period.
- (3) Any question arising as to—
 - (a) the entitlement of any person to compensation under section 35, or
 - (b) the amount payable by way of that compensation, or
 - (c) the existence of good reasons such as are mentioned in subsection (2), where the Ministry has not accepted a late claim, or
 - (d) the appropriate amount of any reduction in that compensation which falls to be made by virtue of section 35(5),shall, in default of agreement, be referred to and determined by the Lands Tribunal.

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