



Mineral Development Act (Northern Ireland) 1969

1969 CHAPTER 35

RIGHTS OF FORMER VENDORS

37^{F1} Share of persons entitled under s.13(3) of Irish Land Act 1903, where minerals disposed of by Ministry.

- (1) Where an estate in mines and minerals in any land is sold, or a mining lease, mining licence or mining permission with respect to mines and minerals in any land is granted, or minerals in any land which have been worked by the Ministry are disposed of, by the Ministry under this Act in circumstances such that twenty-five per cent. of any rent, purchase-money or other net profit received by the Ministry in respect thereof may be payable under the second proviso to section 13(3) of the Irish Land Act 1903^{MI} to the former vendors of an estate to which that proviso applies, the Ministry, unless it is aware of the names of all persons who are entitled to that percentage, shall publish, in two successive weeks, in the Belfast Gazette and in such newspapers as appear to the Ministry to be appropriate, a notice—
 - (a) stating that the said twenty-five per cent. may be available for distribution;
 - (b) mentioning the land and the name and record number (if known) of the estate;
 - (c) naming a place or places where maps identifying the land are available for inspection at all reasonable hours; and
 - (d) indicating that any person who is entitled to that percentage in respect of that land may submit his claim therefor to the Ministry within a period of one year from the date of the first publication of the notice.
- (2) On the expiration of the period mentioned in paragraph (d) of subsection (1), or (if all relevant claims appear to the Ministry to have been submitted) of such lesser period as appears to the Ministry to be appropriate, the Ministry shall proceed to consider the claims submitted as mentioned in that paragraph.

Status: Point in time view as at 01/01/2006.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

- (3) Where the Ministry is satisfied that good reasons exist for the failure of any person to submit a claim as mentioned in paragraph (d) of subsection (1) before the expiration of the period mentioned in that paragraph, his claim may be accepted after the expiration of that period.
- (4) Where the payments made by a lessee under a mining lease granted in respect of mines and minerals in any land are stated in the lease to be fixed at a reduced amount in consideration of any advantages such as are mentioned in section 17(3), the amount payable to the former vendors of the land under the second proviso to the said section 13(3) shall be twenty-five per cent. of the rent, purchase money or other net profit which would have been receivable by the Ministry under the lease if the payments had not been so fixed, instead of twenty-five per cent. of the net amount of those payments, and any excess of the amounts payable to the former vendors by virtue of this subsection over the amounts paid to the Ministry by the lessee shall be defrayed as expenses of the Ministry.
- (5) Any question arising as to—
- (a) the entitlement of any person to the percentage mentioned in subsection (1), or
 - (b) the amount payable by way of that percentage, or
 - (c) the existence of good reasons such as are mentioned in subsection (3), where the Ministry has not accepted a late claim, or
 - (d) the amounts which would have been receivable by the Ministry under a mining lease, as mentioned in subsection (4), if the payments by the lessee under the lease had not been fixed at a reduced amount under section 17(3),
- shall, in default of agreement, be referred to and determined by the Lands Tribunal.
- (6) Where, for the purposes of a determination under subsection (5), it is necessary for the Lands Tribunal to determine the extent to which any rent, purchase money or other net profit is attributable to different parts of any land, subsection (2) of section 32 shall have effect as it has effect for the purposes of a determination under subsection (1) of that section.

F1 1970 (c.24)

Marginal Citations

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