

*Status: Point in time view as at 01/04/2007.*

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

## SCHEDULES

### SCHEDULE 2 <sup>F1</sup>

#### MINING FACILITIES ORDERS

**F1** 1964 c.28 (NI)

#### MAKING OF ORDERS

- 1 (1) The Ministry, where it proposes to acquire any land or any ancillary rights by means of a mining facilities order, shall give public notice of its intention to do so.
- (2) A notice under sub-paragraph (1)—
- (a) shall state clearly the nature of the proposal and shall specify the land which is proposed to be the subject of the acquisition or, as the case may be, the ancillary rights;
  - (b) shall state the time (not being less than twenty-one days from the last publication of the notice) within which objections to the proposal may be presented to the Ministry;
  - (c) shall name a place or places (including at least one place in the locality where the land is situated) where maps identifying the land are available for inspection at all reasonable hours; and
  - (d) shall be published in two successive weeks in the Belfast Gazette and in one or more than one newspaper circulating in the locality in which the land is situated;
- and a document containing the substance and effect of every such notice shall be served on every person appearing to the Ministry to have an interest in the land, and there shall be attached to that document—
- (i) where the notice is served on the Ministry of Finance in respect of land subject to an annuity under the Land Purchase Acts, a recently certified copy of the relevant Land Registry map showing in distinct colour the land to which it relates; or
  - (ii) where the notice is served on any other person, a map or plan sufficient to enable the person so served to identify the land concerned.
- (3) Where the mining facilities order is proposed to contain any provisions with respect to the damming or diverting of any river or watercourse or the abstraction of water from, or the discharge of water on to any land, or the deposit of spoil on any land, which appear to the Ministry to affect any water or fishery authority, that authority shall, for the purposes of this paragraph and paragraph 2, be deemed to be a person interested in the land.

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(4) In this paragraph—

“water authority”<sup>F1</sup> means [<sup>F2</sup>a water undertaker];

“fishery authority” in relation to land any part of which is situated in the Londonderry Area (as defined by the Foyle Fisheries Act (Northern Ireland) 1952 ) means the Foyle Fisheries Commission and in relation to land any part of which is situated outside that Area means, or, as the case requires, also includes, the Fisheries Conservancy Board for Northern Ireland.

**F1** 1973 NI 2; SR 1973/504

**F2** Sch. 2 para. 1(4): words substituted (1.4.2007) in the definition of "water authority" by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(1), [Sch. 12 para. 8\(3\)](#) (with arts. 8(8), 121(3), 307); S.R. 2007/194, [art. 2\(2\)](#), Sch. 1 Pt. II (with transitional, transitory and saving provisions in [art. 3](#), Sch. 2)

- 2 (1) On the expiration of one month after the last publication of the notice mentioned in paragraph 1, the Ministry, after considering—
- (a) all representations which have been presented to the Ministry by any interested party; and
  - (b) where the mining facilities order is proposed to be made in consequence of an application under section 26(5), any evidence adduced as to the impracticability of the land or ancillary rights being acquired otherwise than compulsorily for any of the reasons mentioned in paragraphs ( a ) to ( d ) of section 14(3); and
  - (c) any other relevant business;
- and after causing a local inquiry to be held (unless no representations have been received, or any representations have been met or withdrawn or relate solely to the amount of compensation, or are representations which the Ministry is satisfied are solely of a frivolous or vexatious nature) may,—
- (i) make the mining facilities order, which may contain any modifications that the Ministry thinks proper, vesting in the Ministry all or any part of the land or ancillary rights; or
  - (ii) determine not to make the order.
- (2) If a local inquiry is held as aforesaid, the Ministry and any person interested in the land, and such other persons as the person holding the inquiry thinks fit in his discretion to allow, shall be permitted to appear, in person or by a representative, and to be heard at the inquiry, and, before making the order, the Ministry shall consider the report of the person who held the inquiry.
- (3) Where the Ministry determines not to make a mining facilities order, it shall publish notice of the determination in the Belfast Gazette and in the newspapers in which the notice of the proposal to make the order appeared.
- (4) A mining facilities order shall contain such provisions as the Ministry thinks necessary or expedient for carrying it into effect.

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