



# Mineral Development Act (Northern Ireland) 1969

## 1969 CHAPTER 35

### PROVISIONS FOR SECURING THE DISCLOSURE OF INTERESTS IN CERTAIN EXCEPTED MINES AND MINERALS

#### **10 Safeguards for persons working or developing mines.**

- (1) A person aggrieved by—
- the refusal of the Ministry to register any estate in mines and minerals on an application made by him under subsection (1) of section 8, or by him on behalf of any other person under subsection (2) of that section, or
  - any requirement made of him by the Ministry under subsection (5) of that section,

may appeal against the refusal or requirement to the Lands Tribunal, and the Tribunal, if satisfied that registration should be allowed (with or without the furnishing of further and better particulars) or, as the case may be, that the requirement should be varied or discharged, may order accordingly.

- (2) Where, by virtue of section 9(1), section 1(1) is deemed to have had effect with respect to any mines and minerals in default of the registration of some estate therein under section 8, the Lands Tribunal, on an application made by any person who would have been entitled to an estate in possession in those mines and minerals were it not for the operation of section 9(1), or, where the mines and minerals would have been the subject of a settlement, by the trustees, if any, of the settlement or any other person entitled under the settlement, may make an order annulling the operation of section 9(1) in relation to those mines and minerals and requiring the registration before a day specified in the order of any estate therein which is subsisting by virtue of the order; and where such an order is made sections 8 and 9 and subsection (1) of this section shall thereafter apply in relation to those mines and minerals with the necessary modifications and in particular as if any reference in section 8 or 9 to the first appointed day were a reference to the day so specified.

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**Changes to legislation:** There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Section 10. (See end of Document for details)

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- (3) On an application under subsection (2) the Lands Tribunal shall not make an order such as is mentioned in that subsection unless it is satisfied—
- (a) that there was good reason for the failure to submit an application under subsection (1) or (2) of section 8 before the first appointed day, and
  - (b) where the Ministry has exercised or proposes to exercise any of the powers conferred on it by sections 11 and 15 to 19 in relation to the mines and minerals in question, that the granting of the application will not prejudice the reasonable and legitimate interests of the Ministry or any other person.
- (4) Without prejudice to subsection (3)( b), no order made under this section shall have the effect of—
- (a) prejudicing any disposition duly made, licence, permission or permit duly granted or thing duly done by the Ministry under the succeeding provisions of this Act or any thing duly done by any other person under the authority of any such disposition, licence, permission or permit; or
  - (b) rendering the Ministry or any such other person liable to any proceedings whatsoever in consequence of any such disposition, licence, permission, permit or thing.

**Changes to legislation:**

There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Section 10.