



Mineral Development Act (Northern Ireland) 1969

1969 CHAPTER 35

PROSPECTING

14 Undertaking by the Ministry to grant mining leases, etc.

- (1) On the granting, or at any time during the currency, of a prospecting licence, the Ministry may give an undertaking to the licensee under the licence that if, at any time during the currency or on the expiration of the licence, the Ministry is satisfied that the prospecting carried on by the licensee has been successful and that the terms and conditions of the licence have been observed and performed, the Ministry will—
- (a) subject to subsection (2), grant to the licensee by way of mining lease or mining licence under the succeeding provisions of this Act (to take effect from such date, either before or after the expiration of the prospecting licence, as may be specified in the mining lease or mining licence) the right to work mines and minerals vested in the Ministry;
 - (b) subject to subsections (2) and (3), take such steps as are reasonably practicable to secure—
 - (i) the acquisition by the Ministry in pursuance of this Act of any land or any ancillary rights which it is necessary or expedient to acquire in order that the rights granted under paragraph (a) may be conveniently and properly exercised, and
 - (ii) the making available to the licensee of all or any of the land or rights so acquired, by means of a permit granted by the Ministry to the licensee in accordance with the succeeding provisions of this Act.
- (2) An undertaking under paragraph (a) or (b) of subsection (1) shall not operate to require the Ministry to grant the right mentioned in the said paragraph (a) or to acquire or make available the land or ancillary rights mentioned in the said paragraph (b), where by reason of any material change in circumstances it is not in the public interest to implement the undertaking.

Changes to legislation: There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Section 14. (See end of Document for details)

- (3) An undertaking under paragraph (b) of subsection (1) shall not operate to require the Ministry to acquire or make available any land or ancillary rights unless the Ministry is satisfied that it is not reasonably practicable for the licensee otherwise to obtain the land or rights for any of the following reasons—
- (a) that the persons with power to transfer or concur in transferring the ownership of the land or to grant or concur in granting the rights are numerous or have conflicting interests;
 - (b) that such persons, or any of them, cannot be ascertained or cannot be found;
 - (c) that such persons, or any of them, have not the necessary powers of disposition, whether by reason of defect in title, legal disability or otherwise;
 - (d) that any such person unreasonably refuses to transfer or concur in transferring the land or to grant or concur in granting the right or, as a condition of doing so, makes demands which, having regard to the circumstances, are unreasonable.
- (4) An undertaking under subsection (1) shall be in writing in such form as the Ministry thinks fit, and shall specify the terms and conditions upon which the undertaking is given; and every such undertaking shall include a condition that the licensee shall reimburse the Ministry in respect of any expenditure which may be incurred in connection with the procedures mentioned in that subsection.

Changes to legislation:

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