



Mineral Development Act (Northern Ireland) 1969

1969 CHAPTER 35

WORKING OR DISPOSAL OF MINES AND MINERALS VESTED IN THE MINISTRY

20 Conditions of disposal.

- (1) Before granting a mining lease, mining licence or mining permission the Ministry may require the applicant to furnish evidence as to his character, financial standing or technical qualifications.
- (2) Subject to section 21(2), before exercising any power of working mines and minerals in any land under section 15 or any power of selling an estate in such mines and minerals under section 16, and before granting any mining lease, mining licence or mining permission with respect to mines and minerals in any land, the Ministry shall notify its intention to do so by publishing in two successive weeks in the Belfast Gazette and in one or more than one newspaper circulating in the locality where the land is situated, a notice—
 - (a) stating the manner in which the Ministry proposes to exercise the power;
 - (b) mentioning the land in relation to which the power is proposed to be exercised;
 - (c) naming a place or places (including at least one place in the locality) where maps identifying the land are available for inspection at all reasonable hours; and
 - (d) notifying all persons who may be concerned that payment of—
 - (i) the compensation in respect of mines and minerals for which provision is made in the succeeding provisions of this Act, or
 - (ii) the percentage provided for in section 13(3) of the Irish Land Act 1903 ,may fall to be made in consequence of the exercise of the power.
- (3) Without prejudice to subsection (2) and subject to section 21(3), the Ministry, not less than one month before exercising any power of working mines and minerals under

Changes to legislation: There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Section 20. (See end of Document for details)

section 15 or any power of selling or leasing under section 16 or 17, shall serve notice of its intention to do so on—

- (a) every other government department;
 - (b) every local authority within whose area is situated the land, or any part of the land, in which the mines and minerals proposed to be worked or proposed to be the subject of the sale or lease are situated;
 - (c) every public body which, in the opinion of the Ministry, will be materially affected by any activity likely to be carried on in connection with the working of those mines and minerals; and
 - (d) the owners and occupiers of the land in which the mines and minerals to be affected by the exercise of the power are situated.
- (4) Where the Ministry publishes under subsection (2), or serves under subsection (3), a notice with respect to the proposed exercise of any power, before exercising that power it shall take into account any representations which are made to it—
- (a) by any person other than a person on whom such a notice was served, before the expiration of a period of one month from the date of the last such publication;
 - (b) by the person on whom such a notice was served, before the expiration of a period of one month from the date of the service of the notice on him or such longer period as the Ministry may in any case permit in writing.
- (5) Subject to section 17(3) and section 21(1), any disposal of minerals worked under section 15, or any sale of an estate in mines and minerals under section 16, or any grant of a mining lease, mining licence or mining permission, shall be for such consideration as may appear to the Ministry to be fair, and, in the case of any such lease, licence or permission, may be for a consideration by way of royalties (with or without any other payments) calculated in such manner as may be agreed upon between the Ministry and the person in whose favour the grant is made and upon such other terms and conditions as may be specified in the instrument by which the grant is effected; and the conditions aforesaid may, in particular, include a condition regarding the giving of security by the person in whose favour the grant is made for the fulfilment of his obligations under the lease, licence or permission.
- (6) Without prejudice to subsection (5) and subject to section 21(7), it shall be a condition of the sale by the Ministry of any estate in mines and minerals or the grant of a mining lease, mining licence or mining permission that the purchaser or, as the case may be, the person to whom the lease, licence or permission is granted shall pay a reasonable sum towards the Ministry's costs in connection with the sale or grant.
- (7) Subject to the succeeding provisions of this Act, and notwithstanding anything contained in any transferred provision, moneys received by the Ministry in respect of any consideration such as is mentioned in subsection (5) may be held by the Ministry for the purpose of being applied, so far as applicable, in paying the compensation mentioned in section 29 or the percentage mentioned in section 37.

Changes to legislation:

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