



Mineral Development Act (Northern Ireland) 1969

1969 CHAPTER 35

COMPENSATION FOR MINES AND MINERALS

29^{F1} Compensation for mines and minerals vested in the Ministry under section 1.

- (1) Without prejudice to the provisions of section 35, compensation shall be payable by the Ministry in accordance with the succeeding provisions of this section, and not otherwise, in respect of mines and minerals vested in the Ministry by virtue of section 1(1).
- (2) Compensation shall be payable under this section in any of the following events, that is to say,—
 - (a) on the sale by the Ministry of an estate in any such mines and minerals, or
 - (b) on the grant by the Ministry of a mining lease, mining licence or mining permission with respect to any such mines and minerals, or
 - (c) on the disposal by the Ministry of any such minerals which have been worked by the Ministry under section 15,where the sale, grant or disposal is made otherwise than for no or a nominal consideration; and such compensation shall be payable out of the net profits accruing to the Ministry in consequence of that event.
- (3) Subject to subsections (4) and (5) compensation under this section in respect of mines and minerals of any description in any land—
 - (a) where the Ministry sells an estate in the mines and minerals, shall be in the form of a sum equivalent to so much of the net profits accruing from the sale as is attributable to the mines and minerals of that description in that land;
 - (b) where the Ministry grants a mining lease, mining licence or mining permission, shall be in the form of sums equivalent to so much of the net amount of any fine, rent or royalties thereunder as is attributable to the mines and minerals of that description in that land; and

Changes to legislation: There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Section 29. (See end of Document for details)

- (c) where minerals worked by the Ministry are disposed of by the Ministry, shall be in the form of sums equivalent to the sums which would have been payable under paragraph (b) if the minerals had been worked by a lessee under a mining lease.
- (4) Where the payments made by the lessee under a mining lease 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),—
- (a) subsection (3)(b) shall have effect as if the reference therein to the net amount of any fine, rent or royalties under the lease were a reference to the amount which would have taken the place of that net amount if the payments had not been so fixed, and
- (b) accordingly, subsection (2) shall not have effect so as to restrict the fund out of which compensation is payable to the net profits accruing to the Ministry in consequence of the grant of the lease,
- and so much of the compensation as represents the excess of the second amount mentioned in paragraph (a) over the first amount so mentioned shall be defrayed as expenses of the Ministry.
- (5) Where any compensation has been paid under the succeeding provisions of this Act for the loss of any dead rent or other fixed annual payment which was payable in respect of mines and minerals vested in the Ministry by virtue of section 1(1), any compensation which would otherwise be payable under this section in respect of those mines and minerals shall be reduced by the amount of the first-mentioned compensation or such lesser amount, if any, as may be appropriate.
- (6) In this section any reference to the net profits, or the net amount of any fine, rent or royalties, accruing to the Ministry in consequence of any event is a reference to the amount of any profit, fine, rent or royalty so accruing less all costs and expenses incurred by the Ministry in connection with or in consequence of that event (which may include so much of the administrative expenses of the Ministry as are apportionable to that event); and for the purposes of this subsection a certificate of the Ministry as to the amount of those costs and expenses shall be prima facie evidence thereof.
- (7) The costs and expenses referred to in subsection (6) do not include—
- (a) any costs such as are mentioned in subsection (6) of section 20 to the extent that they are defrayed by sums paid under that subsection;
- (b) any costs in connection with a claim for compensation under this section which are directed by the Lands Tribunal to be paid by the Ministry; or
- (c) any costs which are paid by the Ministry by virtue of paragraph 12(2) of Schedule 2 as applied by section 42.

Changes to legislation:

There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Section 29.