



# Mineral Development Act (Northern Ireland) 1969

## 1969 CHAPTER 35

### MISCELLANEOUS

#### **54 Repayment of grants, etc., in certain cases.**

- (1) Where any grant or other sum has been paid by a government department to any local authority, public body or educational institution in connection with—
  - (a) land which or any part of which is, or ancillary rights over which or any part of which are, acquired under section 23; or
  - (b) land which is or forms part of land which has suffered damage for which compensation is recoverable under section 38; or
  - (c) land which is damaged by the working of mines and minerals (other than scheduled substances) therein which are the property of any such institution;subject to subsection (2) that department may determine that the amount of that grant or sum, or such lesser amount as the department thinks fit, shall be payable to the department by that authority or body or the trustees or governing body of that institution.
- (2) The amount determined to be payable under subsection (1) shall not exceed the amount by which the consideration or compensation payable in respect of the land or ancillary rights or the compensation recoverable for the damage or, as the case may be, the consideration payable to the institution in contemplation of the damage exceeds the consideration or compensation, if any, which would have been so payable or recoverable if the amount of the grant or other sum had not been expended in connection with acquiring or laying out the land or erecting buildings or executing works thereon; and where the consideration or compensation is payable otherwise than in the form of a lump sum, the amount for the time being recoverable from any person by virtue of a determination under subsection (1) shall not exceed the amount for the time being receivable by that person on account of the consideration or compensation.

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**Changes to legislation:** *There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Section 54. (See end of Document for details)*

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- (3) Any question arising as to the amount secondly mentioned in subsection (2) shall, in default of agreement, be referred to and determined by the Lands Tribunal.
- (4) Any amount which is payable to a government department under subsection (1) shall be recoverable summarily by that department as a debt.
- (5) Without prejudice to subsection (4), on the application of a government department to whom any amount is payable by virtue of subsection (1), the Ministry before paying any consideration or compensation for land or ancillary rights, or compensation under section 38, may deduct, or the Lands Tribunal on awarding any such compensation may order the deduction, therefrom of that amount, and the payment to that department of that amount shall operate as a discharge of the Ministry's liability or, as the case may be, the compensation fund to the extent of the payment.
- (6) Without prejudice to subsection (4) or (5), any amount which is payable to a government department under subsection (1) may be recovered by deduction from any grant or other sum payable out of moneys provided by Parliament or by any government department to the person from whom the amount is due, and that grant or other sum shall be abated accordingly.

**Changes to legislation:**

There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Section 54.