



Mineral Development Act (Northern Ireland) 1969

1969 CHAPTER 35

MISCELLANEOUS

56 Definitions of “minerals”, “mine” and “ancillary rights” .

(1) In this Act “minerals” includes all mineral bearing and other substances (not being the soil at the surface of the ground and its vegetation or peat or water) naturally occurring in land, whether obtainable by underground or by surface working; but does not include petroleum, except that—

- (a) ...^{F1} in sections 53, 54 ...^{F1} and 60 [^{F2} any reference to minerals], includes a reference to petroleum (and, accordingly, any corresponding reference to mines includes a reference to petroleum wells), and

Para.(b) rep. by 1970 c.18 (NI)

- (c) in paragraph 5 of Schedule 3 any reference to mineral prospecting or development work includes a reference to petroleum prospecting or development work.

(2) In this Act “mine” means an excavation or system of excavations, whether underground or on the surface, made for the purpose of, or in connection with, the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals, and without prejudice to the generality of the foregoing provisions of this subsection includes any cubic space underground formerly occupied by minerals.

(3) ^{F3} In this Act “ancillary rights” means any facilities, rights or privileges required in connection with the working of mines and minerals to enable them to be conveniently and properly worked, including, without prejudice to the generality of the foregoing provisions of this subsection, the following rights, that is to say,—

- (a) a right to let down the surface, including a right to let down superincumbent or adjacent strata up to and including the surface;

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- (b) a right to remove, temporarily or permanently, superincumbent or adjacent strata and surface for the purposes of open cast mining;
- (c) a right of air-way, shaft-way, or surface or underground way-leave, or other right for the purposes of access to or conveyance of minerals or machinery or the ventilation or drainage or working of mines;
- (d) a right—
 - (i) to construct, operate and maintain roads and railways for the conveyance of minerals from any mine to any existing road or railway system, or
 - (ii) to construct, operate and maintain pipe-lines for the conveyance of minerals (including minerals held in solution or suspension) from any mine to any place,
 and for any such purpose to use and occupy land and to exercise any right in or over land or water or in or over any highway;
- (e) a right to use and occupy the surface of land for—
 - (i) the storage of fuel for the purposes of, or for the storage of minerals gotten from, any mine,
 - (ii) the erection of crushing and dressing mills, washeries, coke ovens, railways, aerial rope ways, aerial tramways, or by-product or other works, or
 - (iii) the erection of offices or dwellings for persons employed in connection with the working of minerals or with any such works as aforesaid;
- (f) a right to a supply of water, stone or other substances in connection with the working of mines and minerals;
- (g) a right to dispose in a particular manner of water or other liquid matter, or matter which flows when wet, obtained from mines or any by-product works;
- (h) a right to dispose in a particular manner of waste products obtained in connection with the working of minerals;
- (i) a right to dam or divert any river or watercourse, including an artificial watercourse;
- (j) ^{F4}
- (k) a right to divert a railway, highway or private way, and to substitute for an existing bridge another bridge on a different site;
- (l) a right to demolish buildings which impede the proper working of any minerals;
- (m) a right to use land for the creation, preservation or restoration of natural amenity.

F1 1970 c.18 (NI)

F2 1970 c.18 (NI)

F3 1964 c.28 (NI)

F4 S. 56(3)(j) repealed (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(2), [Sch. 13](#) (with arts. 8(8), 121(3), 307); S.R. 2007/194, [art. 2\(2\)](#), [Sch. 1 Pt. II](#) (with transitional, transitory and saving provisions in [art. 3](#), [Sch. 2](#))

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