



Dean Forest (Mines) Act 1904

1904 CHAPTER clvi 4 Edw 7

7 Mode of granting a gale for which several applications have been made and facilities for dealing with it when granted.

- (1) Whenever two or more free miners have made applications on the same day as defined by section sixty of the principal Act for the grant of any gale the applicants shall out of their own number nominate in the prescribed manner at a meeting of the applicants convened and held in the prescribed manner a committee of the prescribed number to receive the grant of the gale and the gaveller shall grant that gale to the persons so nominated to hold as joint tenants and not to a person determined by lot as provided by the said section sixty.
- (2) The committee shall hold the gale when granted to them in trust for all the applicants (including themselves) as tenants in common in equal shares and shall deal with the gale in all respects as they think fit subject where any directions have been given in the prescribed manner by the persons beneficially entitled to the gale to those directions.
- (3) F1
- (4) If a vacancy occurs in the committee by reason of the death or resignation of any member of the committee or by reason of the happening of any prescribed circumstance that vacancy may be filled in the prescribed manner.
- (5) Regulations with respect to any matters which under this section are to be prescribed and as to the meetings and proceedings of the committee and generally for the purpose of carrying this section into effect may be made by the free miners subject to the approval of the gaveller such approval not to be unreasonably withheld.

For the purposes of this section regulations made by the free miners means regulations passed by a majority of free miners present at a meeting of the free miners summoned by the gaveller by notice advertised at least fifteen days before the date fixed for the meeting in at least two local newspapers published in the county of Gloucester and circulating in the Forest of Dean and neighbourhood and it shall be the duty of the gaveller to summon a meeting for the purpose of passing regulations if required to do so in writing by not less than twenty free miners.

Changes to legislation: There are currently no known outstanding effects for the Dean Forest (Mines) Act 1904, Section 7. (See end of Document for details)

- (6) The expression “the committee” in this section means as the circumstances require the body of persons nominated to receive the grant of the gale or the body of persons in whom the gale is for the time being vested on trust in succession to the persons so nominated.
- (7) No notice of any trust under this section shall be entered in the books of the gaveller or deputy gaveller or in any books or records of the [^{F2}Forestry Commissioners] or of the [^{F3}keeper of Public Records] or be receivable by any of those persons.
- (8) A free miner shall not by virtue of any gale being granted to him as one of the members of a committee under this section be deemed to have had a gale granted to him within the meaning of section sixty-one of the principal Act.
- (9) This section shall apply to all gales within the Forest of Dean:
Provided that this section shall not apply if before a gale is granted all the applicants therefor signify in writing to the gaveller their desire that the section shall not apply.

Textual Amendments

- F1** Ss. 5, 7(3), 8 repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), **Sch. Pt. VII**
- F2** Words substituted by virtue of S.R. & O. 1924/386 (Rev. V, p. 443: 1924, p. 454), art. 2
- F3** Words substituted by virtue of [Crown Estate Act 1961 \(c. 55\)](#), **Sch. 2 para. 5(1)**
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Modifications etc. (not altering text)

- C1** [S. 7](#) amended retrospectively by [Dean Forest Act 1906 \(c. cxix\)](#), s. 2

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