



Dean Forest (Mines) Act 1904

1904 CHAPTER clvi 4 Edw 7

1 Power to amalgamate subdivide and re-arrange gales.

- (1) Whenever the gaveler thinks it desirable so to do having regard to the proper opening or working of any gale and to any representation made by any galee he may by order in writing under his hand amalgamate subdivide or otherwise rearrange the area of either any gales in hand or any existing gales being in either case gales to which this Act applies.

Any gales so amalgamated subdivided or rearranged are referred to in this Act as new gales.

- (2) An order may be made under this section as respects gales in hand notwithstanding that any free miners have made applications under the principal Act for the grant of any gales to which the order relates.
- (3) An order shall not be made in respect of any existing gales without the consent of the galees entitled to those gales:
Provided that when any gale either—

- (a) is so situated that it cannot be separately worked without producing great injury or detriment to any adjoining or contiguous gale or without greatly impeding the proper and effectual working of any of the veins or beds of coal within the hundred of St. Briavels which require the use of expensive pits engines or machinery; or
- (b) is so small or otherwise of such a character that it cannot be properly or economically developed and worked as a separate mineAn order under this section may be made amalgamating that gale with any other gale which may be so situated and circumstanced as to be when amalgamated with the first-mentioned gale well adapted for the proper and effectual working of the said veins or beds of coal notwithstanding that the owner of the first-mentioned gale does not consent to the making of the order and if any question arises as to whether the first-mentioned gale is so situated or is of such a character or as to whether the other gale is so situated and circumstanced that question shall be referred to the decision of an arbitrator appointed in manner provided by the principal Act and the Acts amending that Act except that (notwithstanding anything in any of those Acts) the costs of the arbitration

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including the remuneration and expenses of the arbitrator shall be borne as the arbitrator directs.

2 Advertisement and effect of orders dealing with gales in hand.

- (1) Where the gaveller makes any order under this Act in respect of gales in hand he shall forthwith advertise the order in at least two local newspapers published in the county of Gloucester and circulating in the Forest of Dean and neighbourhood and the advertisement shall specify a date not earlier than fifteen days after the date of the advertisement on which application may be made by free miners for the grant of the new gales.
- (2) Upon the due advertisement of the order any applications for the grant of any gales to which the order relates shall be null and void and no applications for the grant of the new gales shall be made on an earlier date than the date specified in the advertisement.

3 Effect entry and contents of orders dealing with existing gales.

- (1) An order made under this Act in respect of any existing gales shall have effect as if the order were a grant of the new gales and shall be entered and enrolled accordingly.
- (2) In addition to any terms and conditions which may or must be specified in the grant of a gale the order may contain such terms and conditions including a provision requiring the payment of any sum or compensation by one galee to another galee as the gaveller may think proper and as may be agreed to by the galees affected thereby:
Provided that where an order is made amalgamating any gale with any other gale without the consent of the owner of the first-mentioned gale—
 - (a) the consent of none of the galees shall be required to such of the terms of the order as fix the amount and provide for the payment of any sum or compensation to be paid by one galee to another galee but that amount shall be determined by the gaveller or if any galee affected thereby is dissatisfied with the determination of the gaveller by arbitration under the [^{F1M1} Arbitration Act 1950]; and
 - (b) the order shall not have effect or be entered and enrolled unless any sum or compensation required by or under the order to be paid to the owner of that first-mentioned gale has been paid to him within the time specified in the order.

Textual Amendments

F1 Words substituted by virtue of [Interpretation Act 1889 \(c. 63\)](#), s. 38(1)

Marginal Citations

M1 [1950 c. 2](#).

4 Extension of period for revision of rents and royalties.

In the case of any grant after the passing of this Act of any gale to which this Act applies sections forty-six and forty-seven of the principal Act and section seven of the Amendment Act (which relate to the cesser and re-fixing of rents and royalties) shall have effect as though such number of years not exceeding sixty-three as may be specified in the grant were substituted for twenty-one years in those sections.

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5 F2

Textual Amendments

F2 Ss. 5, 7(3), 8 repealed by Statute Law (Repeals) Act 1969 (c. 52), Sch. Pt. VII

6 Power to require specified development works as condition of grants of gales.

- (1) Where after the passing of this Act the gaveller makes a grant of any gale to which this Act applies he may if he thinks fit make it a condition of the grant that the galee shall within a period specified in the grant carry out such works for the opening working and developing of the mines of coal comprised in the grant as may be specified in the grant.
- (2) Any condition under this section may be imposed in addition to or in substitution for any obligation of the galee under any of the rules and regulations as to coal mines made pursuant to the principal Act or to any Acts amending that Act and may be enforced by forfeiture and otherwise as though it were one of the rules and regulations specified in section twenty-nine of the principal Act.
- (3) If any dispute arises between the gaveller and the galee as to whether any condition under this section has been complied with it shall be referred to arbitration in the same manner as a dispute as to the opening of a gale under the said rules and regulations.

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) F3
- (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

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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.

- (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 [^{F4}Forestry Commissioners] or of the [^{F5}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

F3 Ss. 5, 7(3), 8 repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. VII](#)

F4 Words substituted by virtue of S.R. & O. 1924/386 (Rev. V, p. 443: 1924, p. 454), art. 2

F5 Words substituted by virtue of [Crown Estate Act 1961 \(c. 55\)](#), [Sch. 2 para. 5\(1\)](#)

Modifications etc. (not altering text)

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

8 ^{F6}

Textual Amendments

F6 Ss. 5, 7(3), 8 repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. VII](#)

9 Interpretation.

In this Act—

The expression “the principal Act” means the ^{M2}Dean Forest (Mines) Act 1838 and the expression “the Amendment Act” means the ^{M3}Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her Majesty Queen Victoria chapter forty intituled “An Act to make further provisions for the Management of Her Majesty’s Forest of Dean and of the Mines and Quarries therein and in the Hundred of St. Briavels in the County of Gloucester”;

The term “gale” includes all levels drifts drains cuts-out watercourses pits shafts and pit heaps belonging or appertaining to a gale and the term “galee” includes the heirs and assigns of a galee;

The term “gale in hand” means any tract of coal for the time being ungaled and subject to be galed;

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The term “existing gale” means any gale for the time being vested in a galee.

Marginal Citations

M2 1838 c. 43.

M3 1861 c. 40.

10 Extent short title and construction.

- (1) This Act shall (except as herein otherwise expressly provided) apply only to the gales specified in the schedule to this Act.
- (2) This Act may be cited as the Dean Forest (Mines) Act 1904 and shall so far as is consistent with the tenor thereof be construed as one with the principal Act and the Acts amending that Act.

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