



Mineral Workings Act 1985

1985 CHAPTER 12

An Act to repeal certain provisions of the Mineral Workings Acts 1951 and 1971, to transfer the assets of the Ironstone Restoration Fund to the British Steel Corporation, to make further provision about agricultural ironstone land and forestry on ironstone land, to confer powers in connection with the reclamation, improvement or bringing into use of certain land, and for connected purposes. [27th March 1985]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Repeals

- (1) Subject to the following provisions of this Act, the Mineral Workings Act 1951 (so far as unrepealed) and the Mineral Workings Act 1971 shall cease to have effect on 1 April 1985.
- (2) Subsection (1) above does not apply to the following provisions of the 1951 Act:—
 - section 28 (modification of payments in lieu of restoration under ironstone leases);
 - sections 32 and 40(6) (temporary stopping up of highways) ;
 - section 41(2) (interpretation);
 - section 42(1) and (2) (Scotland); and
 - section 43 (citation and extent).

2 The fund

- (1) The assets of the Ironstone Restoration Fund (the fund) immediately before 1 April 1985 shall on that day become assets of the British Steel Corporation, and the fund shall then cease to exist.

- (2) Not later than 31 August 1985, the Secretary of State shall prepare and send to the Comptroller and Auditor General an account showing all sums paid into and defrayed out of the fund in the financial year ending on 31 March 1985 and the state of the fund at the end of that financial year.
- (3) The Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it and of his report before each House of Parliament.

3 Ironstone extracted in 1984-85

- (1) This section applies where, during the financial year ending on 31 March 1985, an operator has extracted ironstone in respect of which contributions would (apart from this Act) be payable by him to the Secretary of State under section 1 of the 1971 Act.
- (2) Not later than 30 April 1985 the operator shall make a return to the Secretary of State containing a statement of the tonnage of the ironstone.
- (3) Notwithstanding section 16 of the Interpretation Act 1978, the operator shall not be bound after 31 March 1985 to pay in respect of the ironstone any sum by way of contribution under section 1 of the 1971 Act.
- (4) As soon as may be after 31 March 1985 the Secretary of State shall pay to the British Steel Corporation a sum equal to the amount he would (apart from this Act) have been bound to pay into the fund in respect of the ironstone under section 8 of the 1951 Act.
- (5) Any expenses of the Secretary of State incurred under subsection (4) above shall be defrayed out of money provided by Parliament.

4 Arrangements affecting agricultural land

- (1) The repeal of section 20 of the 1951 Act (arrangements with Minister to bring worked ironstone land to good state of cultivation and fertility) shall not apply in the case of arrangements made under section 20 before 1 April 1985; but subsections (2) to (6) below shall apply in the case of any such arrangements on and after that day.
- (2) The Minister may enter into an agreement to vary the arrangements only with the written approval of the British Steel Corporation.
- (3) Unless they would otherwise cease to have effect before 1 April 1990, the arrangements shall cease to have effect on that day if—
 - (a) they relate to land in the case of which all the work required by a restoration condition of a planning permission was completed before 1 January 1984, or
 - (b) they were not made until after the completion of works carried out under section 16 of the 1951 Act in relation to the land in respect of which the arrangements were made.
- (4) Subsection (3) above does not affect a provision, of the arrangements there mentioned, for the payment of grants in respect of expenditure incurred before 1 April 1990.
- (5) Any expenses of the Minister incurred under the arrangements (whether in the form of grant or otherwise) shall be defrayed out of money provided by Parliament.
- (6) The British Steel Corporation shall pay to the Minister sums equal to any expenses so incurred, and sums received by the Minister under this subsection shall be paid into the Consolidated Fund.

- (7) The reference in subsection (1) above to section 20 of the 1951 Act includes references to section 21 of that Act, the definition of "management" in section 41(1) of that Act, and section 10(3) of the Agriculture Act 1958.

5 Finance for forestry

- (1) This section applies where on or after 1 April 1985 and before 1 April 1990 the Forestry Commissioners make, in the case of restored ironstone land, payments of grant under section 1 of the Forestry Act 1979 (grants in connection with use and management of land for forestry purposes) where the rate of the payments is one determined by the Commissioners after consultation with the British Steel Corporation and the Ironstone Royalty Owners' Association.
- (2) The Corporation shall pay to the Commissioners sums equal to those payments and any expenses incurred by them on or after 1 April 1985 and before 1 April 1990 in connection with making the payments.
- (3) Sums received by the Commissioners under subsection (2) above shall be paid into the Forestry Fund.
- (4) In this section "restored ironstone land" means worked ironstone land which is within the ironstone district and in relation to which—
- (a) all the work required by a restoration condition of a planning permission was completed before 1 April 1985, or
 - (b) works carried out under section 16 of the 1951 Act were completed before that date.

6 Further provisions as to 1951 Act

- (1) Any payment made under section 4 of the 1951 Act before 1 April 1985 (as adjusted by any recovery actually made before that day under subsection (3) of that section) shall be taken to be equal to the amount actually due in respect of the financial year concerned.
- (2) Notwithstanding section 16 of the Interpretation Act 1978, no payment shall be made on or after 1 April 1985 under section 9, 12(5) or 18 of the 1951 Act.
- (3) Paragraph 4 of Schedule 5 to the Forestry Act 1967 (special parliamentary procedure on compulsory purchase) shall not apply to a compulsory purchase order under section 40 of that Act for the acquisition of worked ironstone land within the ironstone district.

This subsection re-enacts section 25(2) of the 1951 Act.

- (4) The following shall be inserted after section 41(2) of the 1951 Act—

“(2A) In this Act, except where the contrary is provided or the context otherwise requires, expressions defined in the Town and Country Planning Act 1971 have the same meanings as in that Act.

In the application of this Act to Scotland, for the reference to the Town and Country Planning Act 1971 in this subsection there shall be substituted a reference to the Town and Country Planning (Scotland) Act 1972.”

7 Power to enter former mining land etc.

- (1) This section applies where a local authority have carried out, are carrying out or are considering whether to carry out works on any land under section 89(2) of the National Parks and Access to the Countryside Act 1949 (treatment of derelict land etc.) for the purpose of reclaiming or improving land under which relevant operations have been, but are no longer being, carried out or of enabling it to be brought into use.
- (2) In this section " relevant operations " has the same meaning as in section 89(2) (underground mining operations other than for coal).
- (3) A person duly authorised in writing by the authority may at any reasonable time enter the land first-mentioned in subsection (1) above in order—
 - (a) to carry out works under section 89(2);
 - (b) to survey the land for the purpose of ascertaining the effect on it of works carried out under section 89(2);
 - (c) to survey the land for the purpose of ascertaining the location, extent and state of mine workings produced by relevant operations, the state of the land, the risk of collapse of its surface, the likely extent of collapse, and the nature and extent of any works which may be necessary to prevent collapse or to deal with a collapse which has occurred.
- (4) The power conferred by this section to survey land includes power to search and bore for the purpose of ascertaining the nature of its subsoil.
- (5) A person may not under this section demand admission as of right to any land unless at least 10 clear days' notice in writing of the intended entry has been given to every person who is an owner or occupier or the entry is authorised by a warrant granted under subsection (7) below.
- (6) A notice under subsection (5) above shall specify the purpose for which entry is required and, in a case where entry is sought for the purpose of carrying out works, shall indicate so far as is practicable the nature of the intended works.
- (7) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
 - (a) that a person entitled to enter land under this section is not or will not be able to gain admission to the land, or that any owner or occupier who has not been given notice under subsection (5) above is one who has, after reasonable inquiry by the authority, not been identified or (though identified) not been traced, and
 - (b) that there is reasonable ground for entering the land for the purpose for which entry is required,the justice may by warrant under his hand authorise that person to enter the land, if need be by force; but such a warrant shall not be granted on the ground that a person is not or will not be able to gain admission to the land unless the justice is satisfied that the authority have taken reasonable steps to notify every person who is an owner or occupier of the intention to apply for a warrant.
- (8) Every warrant granted under this section shall continue in force until the purpose for which entry is required has been satisfied.
- (9) A person duly authorised under this section to enter any land shall, if so required, produce evidence of his authority before so entering and may take with him on to the land such other persons and such equipment as may be necessary.

- (10) Any person who intentionally obstructs a person entitled under this section to enter land shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale (as defined in section 75 of the Criminal Justice Act 1982).
- (11) Where in consequence of an exercise of the power to enter land conferred by this section any damage is caused to land or chattels, or any loss occurs in relation to chattels, the local authority authorising the entry shall pay to every person interested in the land or chattels compensation in respect of the damage or loss.
- (12) Where in consequence of an exercise of the power to enter land conferred by this section any person is disturbed in his enjoyment of land or chattels the local authority authorising the entry shall pay to that person compensation in respect of the disturbance.
- (13) Any dispute about a right to compensation under this section or about its amount shall be referred to and determined by the Lands Tribunal; and in relation to the determination of any such dispute sections 2(2) to (5) and 4 of the Land Compensation Act 1961 shall apply (construing the references in section 4 to the acquiring authority as references to the local authority authorising the entry under this section).
- (14) In this section "owner", in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land* whether in possession or in reversion, and includes also a person holding, or entitled to the rents and profits of, the land under a lease or agreement.

8 Works on former mining land etc.

- (1) This section applies where a local authority propose to carry out works on any land under section 89(2) of the National Parks and Access to the Countryside Act 1949 for the purpose of reclaiming or improving land under which relevant operations have been, but are no longer being, carried out or of enabling it to be brought into use; and in this section "relevant operations" has the same meaning as in section 89(2).
- (2) If the conditions mentioned in subsection (3) below are fulfilled the authority may carry out the works without the consent of persons interested in the land first-mentioned in subsection (1) above, notwithstanding section 89(3) of the 1949 Act (which requires Such consent).
- (3) The conditions are that—
 - (a) in the authority's opinion the surface of the land under which the relevant operations have been carried out has collapsed or is in imminent danger of collapse,
 - (b) in the authority's opinion the works are necessary as a matter of urgency because in their opinion there is, or is likely to be, a risk of death of or injury to persons or damage to other land or other property, and
 - (c) any person who has not given his consent as required by section 89(3) has in the authority's opinion withheld consent unreasonably or has, after reasonable inquiry by the authority, not been identified or (though identified) not been traced.
- (4) The authority shall not carry out the works as mentioned in subsection (2) above unless they give notice that they propose to do so to any person who, after reasonable inquiry

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by the authority, appears to them to be interested in the land on which they propose to carry out the works and has been traced.

- (5) A notice under subsection (4) above shall state when the authority propose to start the works and shall contain such other information, be in such form, and be given in such manner and at such time before it is proposed to start the works, as may be prescribed.
- (6) Where notice has been given under subsection (4) above, a person interested in the land may (whether or not he has been given such notice) apply to the Secretary of State, not less than 10 clear days before the date stated in the notice as that when the authority propose to start the works, for a decision whether or not the works may be carried out without the consent of all persons interested in the land.
- (7) Where a person so applies, the Secretary of State shall as soon as practicable notify the authority of the application, and the works shall not be carried out as mentioned in subsection (2) above unless he indicates that he has decided that they may be carried out as so mentioned.
- (8) Regulations made by the Secretary of State may prescribe the manner of making applications under subsection (6) above, the grounds on which they may be made, the procedure for reaching and indicating decisions on them, and such other matters relating to them as the Secretary of State thinks expedient.
- (9) Where in consequence of the carrying out of works as mentioned in subsection (2) above any damage is caused to land or chattels, or any depreciation of the value of an interest in land occurs, or any loss occurs in relation to chattels, the authority shall pay to every person interested in the land or chattels compensation in respect of the damage, depreciation or loss.
- (10) Where in consequence of the carrying out of works as mentioned in subsection (2) above any person is disturbed in his enjoyment of land or chattels the authority shall pay to that person compensation in respect of the disturbance.
- (11) Any dispute about a right to compensation under this section or about its amount shall be referred to and determined by the Lands Tribunal; and in relation to the determination of any such dispute sections 2(2) to (5) and 4 of the Land Compensation Act 1961 shall apply (construing the references in section 4 to the acquiring authority as references to the authority carrying out the works).
- (12) In this section " prescribed " means prescribed by regulations made by the Secretary of State.
- (13) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

9 Interpretation

In this Act—

- " the 1951 Act " means the Mineral Workings Act 1951 ;
- " the 1971 Act " means the Mineral Workings Act 1971;
- " the fund " means the Ironstone Restoration Fund ;
- " the ironstone district " means the areas set out in Schedule 1 to this Act;
- " the Minister " means the Minister of Agriculture, Fisheries and Food;

" restoration condition " means a condition requiring that, after operations for the winning and working of minerals have been completed, the site shall be restored by the use of any or all of the following, namely, subsoil, topsoil and soil-making material;

" worked ironstone land" means land which has been excavated in the course of winning and working ironstone by opencast operations, and includes land on which materials extracted in the course of such operations have been deposited.

10 Repeals

The enactments mentioned in Schedule 2 to this Act are repealed to the extent specified in column 3.

11 Citation, commencement and extent

- (1) This Act may be cited as the Mineral Workings Act 1985.
- (2) Sections 1 to 6, 9 and 10 above and the Schedules to this Act shall come into force on 1 April 1985.
- (3) Sections 7 and 8 above shall come into force at the end of the period of 2 months beginning with the day on which this Act is passed.
- (4) This section shall come into force on the day on which this Act is passed.
- (5) This Act (except sections 1, 6(4) and 10, this section and Schedule 2) does not extend to Scotland.
- (6) This Act does not extend to Northern Ireland.

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SCHEDULES

SCHEDULE 1

Section 9.

THE IRONSTONE DISTRICT

The counties of Leicestershire, Northamptonshire and Warwickshire.

The county of Lincolnshire other than the districts of Boston and South Holland.

The county of Oxfordshire other than so much of it as was immediately before 1 April 1974 comprised in the Royal county of Berkshire.

In the county of Humberside, the districts of cleethorpes, Glanford, Grimsby and Scunthorpe and in the district of Boothferry the parishes of Amcotts, Belton, Crowle, Eastoft, Epworth, Garthorpe, Haxey, Keadby with Althorpe, Luddington, Owston Ferry, West Butterwick and Wroot.

The district of Peterborough other than the parishes of Orton Longueville, Orton Waterville, Stanground North and Thorney.

SCHEDULE 2

Section 10.

REPEALS

Chapter	Short Title	Extent of Repeal
1951 c. 60.	Mineral Workings Act 1951.	The whole Act, so far as unrepealed and except for sections 28, 32, 40(6), 41(2), 42(1) and (2) and 43.
1958 c. 71.	Agriculture Act 1958.	Section 10(3). In Schedule 1, paragraph 22.
1959 c. 53.	Town and Country Planning Act 1959.	Section 22(3).
1965 c. 56.	Compulsory Purchase Act 1965.	In Schedule 6, the entry relating to the Mineral Workings Act 1951.
1971 c. 71.	Mineral Workings Act 1971.	The whole Act.
1974 c. 7.	Local Government Act 1974.	In Schedule 6, paragraph 9.
1977 c. 12.	Agricultural Holdings (Notices to Quit) Act 1977.	In Schedule 1, paragraph 2.
1981 c. 65.	Trustee Savings Banks Act 1981.	In Schedule 7, in paragraph 12, the reference to paragraph 1 of Schedule 5 to the Trustee Savings Banks Act 1976.

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Chapter	Short Title	Extent of Repeal
1981 c. 67.	Acquisition of Land Act 1981.	In Schedule 4, in paragraph 1, the entry relating to the Mineral Workings Act 1951.
1982 c. 25.	Iron and Steel Act 1982.	In Schedule 6, paragraph 2.