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SCHEDULES

SCHEDULE 21

MINERAL RIGHTS

Interpretation

- 7 (1) In this Schedule—
- “conveyance” has the same meaning as in the Law of Property Act 1925;
 - “designated distance”, in relation to any part of a relevant body’s undertaking, means, where—
 - (a) that part of the undertaking was constructed, made, erected or laid in pursuance of an order made under any enactment or is situated on land acquired by the relevant body in pursuance of any powers of compulsory acquisition; and
 - (b) the order authorising the works or acquisition designates the distance for the purposes of any enactment relating to mines or minerals underlying that part of the undertaking,that distance, and, in any other case, thirty-seven metres;
 - “mines” means mines of coal, ironstone, slate or other minerals;
 - “owner”, in relation to mines and minerals, includes a lessee or occupier;
 - “relevant body” means the Authority or any water undertaker or sewerage undertaker; and
 - “underlying”, in relation to any part of the undertaking of a relevant body, means lying under, or within the designated distance from, that part of that undertaking.
- (2) For the purposes of this Schedule the undertaking of a relevant body shall be taken to consist of so much of any of the following as is for the time being vested in or held by that body for the purposes of, or in connection with, the carrying out of any of its functions, that is to say—
- (a) any buildings, reservoirs, wells, boreholes or other structures; and
 - (b) any pipes or other underground works particulars of which fall or would fall to be incorporated in any records kept under section 165 or 166 of this Act.
- (3) References in this Schedule to the working of any mines or minerals include references to the draining of mines and to the winning or getting of minerals.
- (4) For the purposes of this Schedule land shall be treated as acquired by a relevant body in pursuance of powers of compulsory acquisition if it—
- (a) was so acquired by a water authority or any predecessor of a water authority or by a predecessor of a statutory water company; and
 - (b) is now vested in that body in accordance with a scheme under Schedule 2 or 5 to this Act or otherwise.
- (5) In relation—

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- (a) to any land treated by virtue of sub-paragraph (4) above as acquired in pursuance of powers of compulsory acquisition; or
- (b) to any land acquired by a statutory water company before the transfer date in pursuance of any such powers,

references in this Schedule to the order authorising the acquisition include references to any local statutory provision which immediately before the transfer date has effect in relation to that land for the purposes of any provisions corresponding to the provisions of this Schedule.