
Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Paragraph 2. (See end of Document for details)

SCHEDULES

SCHEDULE 23

MINERAL RIGHTS

Notice required for the working of underlying mines

- 2 (1) If the owner of any mines or minerals underlying any part of the [F¹appropriate agency's] undertaking proposes to work them, he shall, not less than thirty days before the commencement of working, serve notice of his intention to do so on the [F¹appropriate agency].
- (2) On receipt of a notice under sub-paragraph (1) above the [F¹appropriate agency] may cause the mines or minerals to be inspected by a person designated by it for the purpose.
- (3) Subject to sub-paragraph (5) and paragraph 3 below, if, where notice has been served under this paragraph, the [F¹appropriate agency]—
- (a) considers that the working of the underlying mines or minerals is likely to damage any part of its undertaking;
 - (b) is willing to compensate the owner of the mines or minerals for the restriction imposed by virtue of this sub-paragraph; and
 - (c) serves notice to that effect on the owner of the mines or minerals before the end of the period of thirty days mentioned in sub-paragraph (1) above,
- the owner shall not work the mines or minerals except to such extent as may be determined by the [F¹appropriate agency], and the [F¹appropriate agency] shall so compensate the owner.
- (4) Any dispute as to the amount of any compensation payable by virtue of sub-paragraph (3) above shall be referred to and determined by the [F²Upper Tribunal].
- (5) If before the end of the period of thirty days mentioned in sub-paragraph (1) above, no notice has been served under sub-paragraph (3)(c) above by the [F¹appropriate agency], the entitlement of the owner of the mines and minerals to work them shall be an entitlement to work them by proper methods and in the usual manner of working such mines or minerals in the district in question.
- (6) If any damage to the undertaking of the [F¹appropriate agency] is caused by the working otherwise than as authorised by this paragraph of any mines or minerals underlying any part of its undertaking—
- (a) the owner of the mines or minerals shall, at his own expense, forthwith repair the damage; and
 - (b) the [F¹appropriate agency] may, without waiting for the owner to perform his duty, repair the damage and may recover the expenses reasonably incurred by it in doing so from the owner.

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Textual Amendments

- F1** Words in Sch. 23 paras. 1-7 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 315(a)** (with Sch. 7)
- F2** Words in Sch. 23 para. 2(4) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 236** (with Sch. 5)

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Changes to legislation:

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