



# Mineral Development Act (Northern Ireland) 1969 <sup>F1</sup>

## 1969 CHAPTER 35

An Act to facilitate the discovery and working of minerals, with certain exceptions, and for connected purposes. [18th December 1969]

**F1** 1970 c.18 (NI)

### VESTING OF MINES AND MINERALS IN THE MINISTRY OF COMMERCE, WITH CERTAIN EXCEPTIONS

#### **1 Vesting of mines and minerals in the Ministry.**

- (1) Subject to subsection (3), the property in all minerals existing in natural condition in land in Northern Ireland, and in all mines for the working of such minerals, is hereby vested in the Ministry of Commerce (in this Act referred to as “the Ministry”).
- (2) Without prejudice to the succeeding provisions of this Act relating to the payment of compensation in respect of the mines and minerals vested in the Ministry by virtue of subsection (1), those mines and minerals shall so vest free from all claims or estates whatsoever and notwithstanding any transferred provision in any local or private Act.
- (3) Subsection (1) shall have effect subject to the exceptions contained in sections 2 to 7.

#### **2 Exception of scheduled substances and mines thereof.**

Subsection (1) of section 1 shall not apply to any substances such as are mentioned in Schedule 1 (in this Act referred to as “scheduled substances”) or any mines for the working of such substances.

*Changes to legislation: There are currently no known outstanding effects for the  
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### **3 Exception of mines and minerals already vested in the Ministry.**

Subsection (1) of section 1 shall not apply to any mines and minerals which, immediately before the commencement of that section, were vested in the Ministry whether by virtue of section 6 of, and Schedule 1 to, the Minerals (Miscellaneous Provisions) Act (Northern Ireland) 1959 <sup>M1</sup> (in this Act referred to as “the Act of 1959”) or otherwise howsoever.

#### **Marginal Citations**

**M1** 1959 c. 17

### **4 Exception of certain other Crown mines and minerals.**

Subsection (1) of section 1 shall not apply to any mines and minerals vested in Her Majesty or in any department of the Government of the United Kingdom.

### **5 Exception of mines and minerals the property of religious denominations and educational institutions.**

Subsection (1) of section 1 shall not apply to any mines and minerals which are the property of any religious denomination or educational institution.

### **6 Exception of merged mines and minerals.**

Subsection (1) of section 1 shall not apply to any mines and minerals with respect to which a merging order has been made under section 8 of the Act of 1959 (power of Ministry by order to merge all rights to or in relation to mines or minerals in any land which are vested in the Ministry by virtue of section 6 of that Act in the fee simple in that land, where the minerals are of insignificant quantity or value).

### **7 Exception of minerals held in connection with mines in work or being developed, and of mines of such minerals.**

- (1) Subject to section 9(1), where at the commencement for section 1 a person is lawfully working or developing a mine of the working of minerals of any description or descriptions in any land, subsection (1) of section 1 shall not apply to any minerals of that description or those descriptions, or to any mines of such minerals,—
  - (a) in that land, or
  - (b) in reserve areas.
- (2) In subsection (1) “reserve areas” in relation to minerals of any description or descriptions means any lands (whether or not contiguous to the land mentioned in that subsection or to each other) in which the person so mentioned is entitled to work minerals of that description or those descriptions.

PROVISIONS FOR SECURING THE DISCLOSURE OF  
INTERESTS IN CERTAIN EXCEPTED MINES AND MINERALS

**8 Registration of mineral rights where mines are in work or being developed.**

- (1) Every owner of an estate in possession in mines and minerals which have, by virtue of section 7, been excepted from the application of section 1(1) shall, before the first appointed day, make application to the Ministry, in such form accompanied by such particulars as may be approved by the Ministry, for the registration of his estate under this section.
- (2) Where the mines and minerals are the subject of a settlement and the trustees, if any, of the settlement have, or any other person entitled under the settlement has, reason to believe that a person entitled to make application under subsection (1) cannot, or it is not likely to, make the application before the first appointed day, the trustees or that other person may make the application on his behalf, and if no application is received from him before that day any application so made shall be deemed to be made by him.
- (3) The Ministry shall keep a register of estates in mines and minerals to which subsection (1) applies in such form and at such place, and shall enter in it such particulars of all estates for the registration of which application is duly made under this section and is not, or is not treated as, withdrawn, as the Ministry thinks fit.
- (4) The register kept under subsection (3) shall be open for inspection by any person at all reasonable hours.
- (5) A person who makes application under subsection (1), or on behalf of any other person under subsection (2), for the registration of an estate in mines and minerals shall, on being so required by notice served on him by the Ministry, furnish to the Ministry such further and better particulars as are within his knowledge or can reasonably be procured by him as the Ministry may require to enable it to know—
  - (a) whether the mines and minerals are mines and minerals to which section 7 applies; or
  - (b) whether the applicant or the person on whose behalf the application is made is entitled to be registered as the owner of that estate; or
  - (c) the nature of the estate, or the extent of the land or the description of any mines and minerals which is or are subject to it;
 and if any person, within such reasonable period as the Ministry by notice served on him specifies, fails to comply with any requirement duly made of him under this subsection his application shall on the expiration of that period be treated as withdrawn.
- (6) In this section and sections 9 and 10 “estate” means—
  - a legal or equitable life estate;
  - a legal or equitable fee tail;
  - a legal or equitable fee simple absolute;
  - a tenancy; or
  - an equity of redemption in relation to a mortgage of any of the above estates;
 but does not include either a legal or equitable life estate, fee tail or fee simple absolute to which a person is entitled as a mortgagee or a mortgage term, except where the mortgagee is in possession.

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## **9 Consequences of non-registration under section 8.**

- (1) Where mines and minerals of any description in any land have, by virtue of section 7, been excepted from the application of section 1(1) and—
  - (a) no application for the registration under section 8 of any estate in the mines and minerals of that description in that land is duly made under subsection (1) or (2) of that section, or
  - (b) every such application which is so made is or is treated as withdrawn,
 then, as from the first appointed day (or, where a sole application or a last outstanding application is or is treated as withdrawn at a time subsequent to that day, as from that time), section 1(1) shall be deemed to have had effect with respect to the mines and minerals of that description in that land as if section 7 had not been passed, but subject to subsection (2).
- (2) Subsection (1) shall not render unlawful anything otherwise lawfully done before the first appointed day (or, as the case may be, the time mentioned in that subsection) by or on behalf of any person mentioned in section 7, or any successor in title of his, in or for the purpose of working the mines and minerals in question.

## **10 Safeguards for persons working or developing mines.**

- (1) A person aggrieved by—
  - (a) the refusal of the Ministry to register any estate in mines and minerals on an application made by him under subsection (1) of section 8, or by him on behalf of any other person under subsection (2) of that section, or
  - (b) any requirement made of him by the Ministry under subsection (5) of that section,
 may appeal against the refusal or requirement to the Lands Tribunal, and the Tribunal, if satisfied that registration should be allowed (with or without the furnishing of further and better particulars) or, as the case may be, that the requirement should be varied or discharged, may order accordingly.
- (2) Where, by virtue of section 9(1), section 1(1) is deemed to have had effect with respect to any mines and minerals in default of the registration of some estate therein under section 8, the Lands Tribunal, on an application made by any person who would have been entitled to an estate in possession in those mines and minerals were it not for the operation of section 9(1), or, where the mines and minerals would have been the subject of a settlement, by the trustees, if any, of the settlement or any other person entitled under the settlement, may make an order annulling the operation of section 9(1) in relation to those mines and minerals and requiring the registration before a day specified in the order of any estate therein which is subsisting by virtue of the order; and where such an order is made sections 8 and 9 and subsection (1) of this section shall thereafter apply in relation to those mines and minerals with the necessary modifications and in particular as if any reference in section 8 or 9 to the first appointed day were a reference to the day so specified.
- (3) On an application under subsection (2) the Lands Tribunal shall not make an order such as is mentioned in that subsection unless it is satisfied—
  - (a) that there was good reason for the failure to submit an application under subsection (1) or (2) of section 8 before the first appointed day, and
  - (b) where the Ministry has exercised or proposes to exercise any of the powers conferred on it by sections 11 and 15 to 19 in relation to the mines and

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minerals in question, that the granting of the application will not prejudice the reasonable and legitimate interests of the Ministry or any other person.

- (4) Without prejudice to subsection (3)( *b*), no order made under this section shall have the effect of—
- (a) prejudicing any disposition duly made, licence, permission or permit duly granted or thing duly done by the Ministry under the succeeding provisions of this Act or any thing duly done by any other person under the authority of any such disposition, licence, permission or permit; or
  - (b) rendering the Ministry or any such other person liable to any proceedings whatsoever in consequence of any such disposition, licence, permission, permit or thing.

## PROSPECTING

### 11 Power of Ministry to prospect or grant prospecting licences.

- (1) Where it appears to the Ministry that any mines and minerals vested in the Ministry may be situated in any land, the Ministry, for the purposes of searching for those mines and minerals, may, subject to any rights conferred upon any other person by any lease or licence granted by the Ministry and subject to subsections (3) and (4),—
- (a) subject to sections 47 and 58(3), enter upon the land and there do all such things as are necessary for, or reasonably incidental to, those purposes, and, without prejudice to the generality of the foregoing provisions, in particular make borings, sink pits, remove water from old workings and take and remove reasonable quantities of any such minerals for analysis, test, trial or experiment; or
  - (b) grant to any person, in accordance with the succeeding provisions of this section and section 12, a licence (in this Act referred to as “a prospecting licence”) authorising that person to do anything that the Ministry is authorised to do by paragraph ( *a*), subject to and in accordance with the provisions of this Act.
- (2) Where the land mentioned in subsection (1) is owned or occupied by a government department, no exercise of the power conferred by paragraph ( *b*) of that subsection shall be taken as authorising the licensee to exercise any right in relation to that land otherwise than with the written consent of that department.
- (3) Before exercising with respect to any land the right conferred by paragraph ( *a*) or the power conferred by paragraph ( *b*) of subsection (1), the Ministry shall notify its intention to do so by publishing in two successive weeks in the Belfast Gazette and in one or more than one newspaper circulating in the locality where the land is situated a notice—
- (a) stating that the Ministry proposes to exercise the right or power in question;
  - (b) mentioning the land in relation to which the right or power is proposed to be exercised; and
  - (c) naming a place or places (including at least one place in the locality) where maps identifying the land are available for inspection at all reasonable hours.