



# Stannaries Court (Abolition) Act 1896

## 1896 CHAPTER 45

An Act for abolishing the Court of the Vice-Warden of the Stannaries. [14th August 1896]

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 Abolition of Vice-Warden's Court.**

- (1) On the commencement of this Act the Court of the Vice-Warden of the Stannaries shall cease to exist, except for the purpose of continuing and concluding proceedings pending in that court at that date, and as from that date all jurisdiction and powers of the said court and its officers shall, except as aforesaid, be transferred to and vested in such of the county courts as the Lord Chancellor may by order direct, and be exercised subject to and in accordance with rules of court for regulating the procedure in county courts.
- (2) Provision may be made by order of the Lord Chancellor—
  - (a) for determining by, to, or before what officer, or in what office, may be done anything required to be done by, to, or before any officer or in any office of the said court of the Vice-Warden;
  - (b) for transferring to a county court any proceedings pending in the said court at the commencement of this Act;
  - (c) for determining the place of sitting for the exercise of any jurisdiction transferred by this Act;
  - (d) with respect to the use and disposal of any property which at the commencement of this Act is held for the use of the said court or of any officer of the said court, and of any room or building which at that date is appropriated for the use of the said court or of the Vice-Warden, officers, and suitors thereof; and
  - (e) with respect to the custody of any records which at that date are under the custody of the said court.

## **2 Pensions and remuneration.**

There shall be paid to the persons who are at the commencement of this Act the Vice-Warden and officers of the Court of the Vice-Warden of the Stannaries such pensions, and on such conditions, and out of such funds (including the funds mentioned in section twenty-nine of the Stannaries Act, 1887, and any other funds available for the purpose), as may be fixed by the Treasury with the concurrence of His Royal Highness the Prince of Wales and Duke of Cornwall, regard being had to the date and form of appointment, and salary attached thereto, and to the nature and length of the services of those persons and to the amount and nature of the funds available for their pensions.

## **3 Explanation of references to Stannaries Court.**

References in any unrepealed enactment to mines subject to the jurisdiction of the Court of the Vice-Warden of the Stannaries, or within the cognizance of the said Vice-Warden, shall be construed as applying to mines which would have been subject to the jurisdiction of the said court if it had not been abolished.

## **4 Reference of certain disputes to arbitration.**

- (1) In the event of any dispute arising between—
  - (a) any two or more mining companies; or
  - (b) any mining company and His Royal Highness the Prince of Wales and Duke of Cornwall, or any person having any estate or interest in the mine worked by or leased to that mining company;a judge of a county court exercising the jurisdiction of the Stannaries Court may, on the application of any party to the dispute, order that the matter in dispute be tried before himself or before an arbitrator agreed on by the parties or an officer of the court, and the Arbitration Act, 1889, shall apply to any such reference.
- (2) For the purposes: of this section the expression " mining company" shall mean, any person or body of persons engaged in-or formed for working mines within the stannaries.

## **5 Repeal**

The enactments described in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Provided that nothing in this repeal shall affect any proceedings pending in the Court of the Vice-Warden of the Stannaries at the commencement of this Act, or any appeal from the said court pending at that date.

## **6 Commencement of Act.**

This Act shall come into operation on the first day of January one thousand eight hundred and ninety-seven.

## **7 Short title.**

This Act may be cited as the Stannaries Court (Abolition) Act, 1896.

*Status: This is the original version (as it was originally enacted).*

## SCHEDULE

### ENACTMENTS REPEALED

Session and Chapter.	Title or Short Title.	Extent of Repeal.
16 Chas. 1. c. 15.	An Act against diverse Incroachments and Oppressions in the Stannaries Courts.	The whole Act.
6 & 7 Will. 4. c. 106.	The Stannaries Act, 1836	The whole Act except sections four, six, and seven.
2 & 3 Vict. c. 58.	An Act to make further provision for the administration of justice and for improving the practice and proceedings in the Courts, of the Stannaries of Cornwall, and for the prevention of frauds by workmen employed in mines within the county of Cornwall.	The whole Act.
7 & 8 Vict. c. 65.	An Act to enable the Council of His Royal Highness Albert Edward, Prince of Wales, to sell and exchange lands and enfranchise copyholds, parcel of the possessions of the Duchy of Cornwall, to purchase other lands, and for other purposes.	Section forty.
11 & 12 Vict. c. 83.	An Act to confirm the Awards of Assessionable Manors Commissioners, and for other purposes relating to the Duchies of Cornwall and Lancaster.	Sections seven to eleven, and section thirteen.
18 & 19 Vict. c. 32.	An Act to amend and extend the jurisdiction of the Stannaries Court.	The whole Act, except sections one and thirty-one.
25 & 26 Vict. c. 89.	The Companies Act, 1862	Section eighty-three, from "and the vice-warden " to end of section, sections one hundred and eight and one hundred and sixteen, section one hundred and twenty, four from " Provided" to the end of the section, and section

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
32 & 33 Vict. c. 19.	The Stannaries Act, 1869	one hundred and seventy-two. Sections twenty-seven to thirty-three, and thirty-eight to forty-four.
50 & 51 Vict. c. 43.	The Stannaries Act, 1887	Sections eight, twenty-eight, thirty, thirty-two, and thirty-three.