

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 2^{F1}

MINING FACILITIES ORDERS

F1 1964 c.28 (NI)

VALIDITY AND OPERATION OF ORDERS

- 3 (1) The following provisions of this paragraph shall have effect with respect to the validity of a mining facilities order and the date on which such an order is to come into operation, that is to say:—
- (a) as soon as may be after a mining facilities order has been made, the Ministry shall publish a notice in the Belfast Gazette and in the newspapers in which notice of the proposal to make the order appeared, stating that the mining facilities order has been made, indicating the modifications, if any, that have been made in the order, inviting claims for compensation from persons entitled thereto within a period of one year from the date of publication of that notice and naming a place where a copy of the order and of any map or plan referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who appears to the Ministry to have an interest in the land to which the order relates;
 - (b) if any person aggrieved by a mining facilities order desires to question its validity on the ground that it is not within the powers conferred on the Ministry by this Act or that the procedure specified in this Schedule has not been complied with, he may, within one month after the publication of the notice of the making of the mining facilities order, make an application for the purpose to the High Court in accordance with rules of court, and where any such application is duly made the court—
 - (i) may by interim order suspend the operation of the mining facilities order, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
 - (ii) if satisfied upon the hearing of the application that the mining facilities order is not within the powers conferred by this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Schedule not having been complied with, may quash the mining facilities order either generally or in so far as it affects any property of the applicant;
 - (c) subject to head (b), a mining facilities order or the making of such an order shall not be questioned in any legal proceedings whatsoever, and a mining facilities order shall become operative—

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- (i) at the expiration of a period of one month from the date on which the notice of the making thereof is published in accordance with the provisions of head (a); or
 - (ii) on the date of the dismissal by the High Court of any application made with respect to the order under head (b);whichever is the later;
 - (d) as soon as may be after a mining facilities order has become operative the Ministry shall serve on every person appearing to the Ministry to have an interest in the land to which the mining facilities order relates either a copy of the order or a notice stating that the order has become operative and naming a place where a copy of the order and of any map or plan referred to therein may be seen at all reasonable hours and may be obtained free of charge upon written request made by or on behalf of any person having an interest in the land.
- (2) Where the Ministry is satisfied that good reasons exist for the failure of any person to submit a claim for compensation within the period mentioned in sub-paragraph (1)(a), his claim may be accepted after the expiration of that period.

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