



Mineral Development Act (Northern Ireland) 1969

1969 CHAPTER 35

DAMAGE CAUSED BY MINING OPERATIONS

38 Compensation for damage caused in working minerals, etc.

- (1) Subject to the succeeding provisions of this section, where damage is caused, directly or indirectly, either—
- by working, or doing anything incidental to the working of, mines and minerals vested in the Ministry, or
 - by exercising a right of entry or user of land conferred by or under this Act or the Act of 1959,

the person suffering the damage shall be entitled to recover compensation for the damage from the person causing the damage.

- (2)^{F1} Any question arising as to—
- the entitlement of any person to compensation under this section, or
 - the amount payable by way of that compensation,
- shall, in default of agreement, be referred to and determined by the Lands Tribunal.
- (3)^{F1} Compensation under this section in respect of damage to land shall not be payable to any person from whom any land has, or ancillary rights over any land have, been acquired by the Ministry under this Act and to whom any compensation is payable under^{F2} Article 8(1) to (3) of the Land Compensation (Northern Ireland) Order 1982] by the Ministry in respect of injurious affection of the first-mentioned land.
- (4)^{F1} In assessing compensation under this section in respect of damage to land regard shall be had to any benefit which the person entitled to the compensation may derive from any works which have been or are to be carried out, or any use of land, by the person causing the damage.
- (5)^{F1} In assessing compensation under this section in respect of damage to land regard shall also be had to any undertaking given by the person causing the damage to make

Changes to legislation: There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Section 38. (See end of Document for details)

alterations or additions to any works, or to construct additional works, or to vary or abandon any use of land, or to abandon part of any land acquired or any ancillary rights, or to grant other lands or easements.

- (6) ^{F1} Where for the purpose of assessing the amount of any compensation payable under this section the value of any land is required to be determined, that value shall be determined in accordance with rules (2) to (4) of ^{F2} Article 6(1) of the Land Compensation (Northern Ireland) Order 1982].
- (7) ^{F3} Where the amount of compensation which is payable under this section has been determined but for some reason it is not possible for the person who is liable to make the payment to obtain a good discharge therefor, that person may, or, if the Lands Tribunal so directs, shall, pay that amount—
- (a) if it does not exceed ^{F4} ^{F5}£45,000], into the county court; or
 - (b) if it exceeds ^{F4} ^{F5}£45,000], into the High Court.
- (8) ^{F3} Money paid into the county court or, as the case may be, the High Court under subsection (7) shall, subject to county court rules or rules of court, be dealt with according to the orders of the court.
- (9) ^{F3} This section shall have effect to the exclusion of ^{F2} Article 18 of the Land Compensation (Northern Ireland) Order 1982].

F1 1972 c.9 (NI); 1973 NI 2

F2 1982 NI 9

F3 1972 c.9 (NI)

F4 S.R. 1992/372

F5 S.R. 1993/282

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