



Mineral Development Act (Northern Ireland) 1969

1969 CHAPTER 35

DAMAGE CAUSED BY MINING OPERATIONS

39 Power of Lands Tribunal to prohibit, restrict or terminate certain operations.

(1) Where, on application made by the owner or occupier of any land, the Lands Tribunal is satisfied—

- (a) that operations by the Ministry under section 11, 15 or 25 or by a licensee under a prospecting licence or a grantee under a mining lease, mining licence, mining permission or mining facilities permit are being, or that the applicant has reasonable cause to believe that they will be, carried out in such a manner as, if continued, to cause damage to any dwelling-house on the land or to render any such dwelling-house incapable of being beneficially occupied or to make the land incapable of being beneficially occupied or productively used, and
- (b) that the applicant is not bound by the terms of any agreement or order authorising the carrying out of the operations,

the Tribunal may make an award prohibiting, restricting or terminating operations on the land by the Ministry or, as the case may be, the licensee or grantee until any, or any combination, of the following things is done, that is to say,—

- (i) satisfactory arrangements are made for the payment of compensation under section 38 for any damage which may be, or has already been, caused;
- (ii) adequate security for the payment of such compensation is given;
- (iii) an agreement is arrived at or, if the circumstances are such that a mining facilities order can be made, such an order is made for the acquisition of the dwelling-house or the land or, as the case may require, of appropriate ancillary rights in respect of the land;
- (iv) an undertaking such as is mentioned in section 38(5) is given by the Ministry or, as the case may require, the licensee or grantee.

Status: Point in time view as at 01/01/2006.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, Section 39. (See end of Document for details)

- (2) Where, on application made by the owner or occupier of any land, the Lands Tribunal is satisfied that the applicant has reasonable cause to believe that a licensee under a prospecting licence or a grantee under a mining lease, mining licence, mining permission or mining facilities permit is carrying out or is about to carry out operations on the land in contravention of any of the provisions of this Act or of any conditions of the licence, lease, permission or permit, the Tribunal may, upon such terms (including terms as to the payment of compensation under section 38 for damage which has already been caused or the giving of security therefor) as it thinks proper, make an award prohibiting, restricting or terminating such operations on the land.
- (3) For the purposes of paragraph (b) of subsection (1) an owner or occupier of land shall be deemed to be bound by the terms of an agreement or order authorising the carrying out of operations such as are mentioned in paragraph (a) of that subsection, if those operations constitute an exercise of powers in connection with which compensation is payable under^[F1] Article 8(1) to (3) of the Land Compensation (Northern Ireland) Order 1982] in respect of injurious affection of the land.
- (4) In this section any reference to a prospecting licence or a mining lease includes a reference to such a licence or, as the case may require, such a lease granted under the Act of 1959.

F1 1982 NI 9

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, Section 39.