



Mineral Development Act (Northern Ireland) 1969

1969 CHAPTER 35

MISCELLANEOUS

55 Meaning of “stone, gravel, sand or clay” in s.13(3) of the Irish Land Act 1903.

- (1) Subject to subsection (2), the reference in paragraph (c) of the first proviso to section 13(3) of the Irish Land Act 1903^{MI} to any stone, gravel, sand or clay shall be construed as referring only to the scheduled substances, and accordingly where immediately before the commencement of this section any rights to or in relation to scheduled substances of any description or mines of such substances in any land (other than land in the ownership of the Ministry) were vested in the Ministry by virtue of section 6 of, and Schedule 1 to, the Act of 1959, those rights shall, by virtue of this subsection and without further assurance, vest in the persons owning that land for the like estates as those persons may at the commencement of this section have in that land.
- (2) Except as is provided in subsection (3), nothing in subsection (1) shall affect any disposition of rights to or in relation to scheduled substances of any description, or mines of such substances, in any land where the disposition was made by the Irish Land Commission, the Land Purchase Commission, Northern Ireland, the Ministry of Finance or the Ministry before the commencement of this section.
- (3) Where a disposition to which subsection (2) applies was in force in relation to scheduled substances of any description in any land immediately before the commencement of this section and continues in force thereafter, it shall from that commencement, subject to subsection (4), have effect as if it had been made by the persons who are the owners of the land, and accordingly,—
 - (a) subsection (1) to the extent that it would operate, but for the provisions of subsection (2), to vest any rights to or in relation to substances of that description, or mines of such substances, in any person shall so operate subject to the terms and conditions of the disposition and the provisions of subsection (4);

Changes to legislation: There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Section 55. (See end of Document for details)

- (b) except for the purposes of subsection (4), the rights or obligations of the Ministry under or in consequence of the disposition shall be enforceable by or against the persons owning the land according to their respective estates and not by or against the Ministry;
 - (c) subject to paragraph (b), the rights or obligations of any other party to the disposition shall continue to be enforceable by or against that party;
- but the persons owning the land shall not be entitled by virtue of this subsection—
- (i) to enforce any rights under the disposition until they have produced to the other party evidence of their title, or
 - (ii) to receive any rent, royalties or other sums under the disposition except on demand.
- (4) Notwithstanding anything in subsection (3), the person entitled to the benefit of a disposition to which that subsection applies shall continue to pay to the Ministry an amount equal to twenty-five per cent. of any rent, royalties or other sums which would have been so payable under the disposition if this section had not been passed, and—
- (a) the payment of that amount in accordance with this subsection shall discharge that person from his obligation, by virtue of subsection (3), to pay to any other person so much of such rent, royalties or other sums as is equivalent to that amount;
 - (b) ^{F1}the Ministry shall pay that amount to the former vendors of the land in relation to which the disposition was made; and
 - (c) the payment of that amount under paragraph (b) shall be in lieu of and shall operate to discharge all liability of the Ministry on foot of the percentage required by the second proviso to section 13(3) of the Irish Land Act 1903 to be paid to those former vendors.

F1 1970 (c.24)

Marginal Citations

M1 1903 c. 37

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