

## SCHEDULES

### FIFTH SCHEDULE

#### COMPENSATION IN RESPECT OF MINERALS

##### *General provisions*

- 1 (1) The provisions of this Schedule shall have effect in relation to land comprised in a compulsory rights order in the circumstances specified in subsection (1) of section thirty-three of this Act; and any reference in this Schedule to land to which this Schedule applies is a reference to land which, immediately before the operative date of such an order, falls within paragraph (a) or paragraph (b) of that subsection.
- (2) In this Schedule " the mineral operator "—
- (a) in relation to land which, immediately before the operative date of the order in question, is subject to a mining lease or order conferring working rights as mentioned in paragraph (a) of the said subsection (1), means the person for the time being entitled to the benefit of that mining lease or order, and
  - (b) in relation to land which, immediately before that date, is land falling within paragraph (b) of the said subsection (1), means the person for the time being entitled to the interest referred to in that paragraph ;
- and, in relation to any land to which this Schedule applies, " the relevant undertaking " means the mineral undertaking of the mineral operator.
- (3) In this Schedule " the relevant rights and facilities ", in relation to a mineral undertaking, means all rights and facilities for the time being available to the person carrying on that undertaking for the purposes of working, getting, carrying away, using, treating, converting and disposing of minerals, whether on land comprised in the compulsory rights order in question or elsewhere.
- (4) Any reference in any provision of this Schedule to the exercise of the relevant rights and facilities in the manner in which they might reasonably have been expected to be exercised in circumstances mentioned in that provision shall be construed as including a reference to the exercise of those rights and facilities to the extent to which they might reasonably have been expected to be exercised in those circumstances.
- 2 Any provision of this Schedule to the effect that a person shall be entitled to compensation, or that compensation shall be payable, shall be construed as a provision that he shall be entitled to compensation from the Board, or that the compensation in question shall be payable by the Board, as the case may be.