



Mines (Working Facilities and Support) Act 1966

1966 CHAPTER 4

Restrictions on working minerals required for support

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- (1) If any person having an interest in any land is not entitled to support or sufficient support, whether vertical or lateral, for any buildings or works, whether on or below the surface, erected or constructed, or intended to be erected or constructed, on or below the surface, and alleges that it is not reasonably practicable to obtain a right to such support by private arrangement for any of the reasons mentioned in section 3(2) of this Act, he may send to the Minister an application that such restrictions may be imposed on the working of the minerals under that land and the land adjacent thereto as he may consider necessary to secure sufficient support to the buildings or works.
- (2) An application under this section shall set out the circumstances alleged to justify the imposition of the restrictions, and shall be in such form, and accompanied by such information verified in such manner, as the Minister may direct.
- (3) The Minister shall consider the application, and shall, unless after communication with such other parties interested (if any) as he thinks fit, he is of opinion that a prima facie case is not made out, refer the matter to the court:

Provided that, where it is alleged that the right in question cannot be obtained by reason of any person not having the necessary powers of disposition, or having unreasonably refused to grant it, or having demanded terms which are unreasonable, the Minister shall not so refer the application to the court without first having communicated with that person.

- (4) Where any such case is referred to the court the court if satisfied that the requirements of this section are complied with in the case of the applicant, and that it is expedient in the national interest that restrictions should be imposed, may, by order, impose such restrictions, on such terms and subject to such conditions and for such period as the court may think just, and upon such order being made the right to enforce the

restrictions imposed by the order shall, subject to the following provisions, vest in the applicant.

- (5) Where restrictions are imposed, such compensation or consideration as in default of agreement may be determined by the court shall be paid or given by the applicant in respect of the imposition of the restrictions to such persons as the court may determine to be entitled thereto.
- (6) The restrictions may be either on the quantity or position of the minerals to be worked, or on the methods of working or packing, or otherwise such as may be necessary to secure adequate support to the buildings or works or to prevent or minimise damage to them.
- (7) In determining whether restrictions should be imposed the court shall have regard to the value of the buildings or works or the cost of repairing damage likely to be caused to them by subsidence, as compared with the value of the minerals, or to the importance in the national interest of the erection or preservation of the buildings or works, as compared with the importance in the national interest of the working of the minerals.
- (8) For the purposes of this section, where any building or work is an ancient monument within the meaning of the Ancient Monuments Consolidation and Amendment Act 1913, and is, in pursuance of that Act, or Part II of the Historic Buildings and Ancient Monuments Act 1953, under the guardianship or protection of the Minister of Public Building and Works, or is under the guardianship of a local authority, that Minister or the local authority, as the case may be, shall be deemed to be persons entitled to make an application under this section.