



Town and Country Planning (Scotland) Act 1972

1972 CHAPTER 52

PART XIV

APPLICATION OF ACT TO SPECIAL CASES

Minerals

251 Power to modify Act in relation to minerals

- (1) In relation to development consisting of the winning and working of minerals, the provisions of this Act specified in Parts I and II of Schedule 19 to this Act shall have effect subject to such adaptations and modifications as may be prescribed by regulations made under this Act with the consent of the Treasury.
- (2) Regulations made for the purposes of this section shall be of no effect unless they are approved by resolution of each House of Parliament.
- (3) Any regulations made by virtue of subsection (1) of this section shall not apply—
 - (a) to the winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for those purposes; or
 - (b) to development consisting of the winning and working of any minerals vested in the National Coal Board, being development to which any of the provisions of this Act relating to operational land of statutory undertakers apply by virtue of regulations made under section 259 of this Act; or
 - (c) to the winning and working of peat by any person for the domestic requirements of that person;

and nothing in subsection (1) of this section or in this subsection shall be construed as affecting the prerogative right of Her Majesty to any gold or silver mine.

252 Modification of Mines (Working Facilities and Support) Act 1966

- (1) Where a development plan provides that any land is to be used for the purpose of securing the winning and working of any minerals comprised therein, the provisions of the Mines (Working Facilities and Support) Act 1966 shall have effect in relation to the land subject to such modifications as may be prescribed by regulations made under this Act by the Secretary of State and the Secretary of State for Trade and Industry.
- (2) Regulations made for the purposes of this section may in particular provide for securing—
 - (a) that a right to work any minerals in the land may be granted by the Court of Session under the said Act of 1966 to any person who is desirous of working them, either by himself or through his lessees, and who is unable to obtain the necessary rights by agreement on reasonable terms;
 - (b) that for the purposes of the determination by the court of an application for any such right, it shall be assumed that the winning and working of the minerals is expedient in the national interest; and
 - (c) that the compensation or consideration in respect of any such right which is granted by the court shall be assessed having regard to the amount of the compensation which would be payable in respect of a compulsory acquisition of the minerals under Part VI of this Act.
- (3) Subsections (2) and (3) of section 251 of this Act shall apply to the provisions of this section and to any regulations made thereunder as they apply to the provisions of subsection (1) of that section and to regulations made by virtue of that subsection.