



# Town and Country Planning (Minerals) Act 1981

## 1981 CHAPTER 36

### PART II

#### SCOTLAND

#### *Compensation*

### 30 Compensation where resumption of mineral working is prohibited or suspension order is made

The following sections shall be inserted after section 159 of the 1972 Act—

#### **“159A Compensation in respect of orders under s. 49a and suspension orders.**

Subject to section 159B of this Act, the provisions of section. 159 of this Act shall apply where an order is made under section 49A of this Act or a suspension order or supplementary suspension order is made as they apply where an order is made under section 49 of this Act.

#### **159B Compensation on special basis.**

- (1) Where mineral compensation requirements are satisfied in relation to an order under section 49 or 49A of this Act, or in relation to a suspension order or supplementary suspension order, section 159 or 159A of this Act shall have effect subject to mineral compensation modifications.
- (2) Subject to subsection (6) of this section, mineral compensation requirements are satisfied in relation to an order under section 49 of this Act if—
  - (a) the order—

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*Status: This is the original version (as it was originally enacted).*

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- (i) imposes any conditions on the continuance of the use of land for the winning and working of minerals ; or
    - (ii) requires that any buildings, works, plant or machinery used for the winning and working of minerals shall be altered or removed; and
  - (b) the conditions specified in subsection (5) of this section are satisfied.
- (3) Subject to subsection (6) of this section, mineral compensation requirements are satisfied in relation to an order under section 49A of this Act if the conditions specified in subsection (5)(a) and (c) of this section are satisfied.
- (4) Mineral compensation requirements are satisfied in relation to a suspension order or supplementary suspension order if the conditions specified in subsection (5)(c) of this section are satisfied.
- (5) The conditions mentioned in subsections (2)(b), (3) and (4) of this section are—
- (a) that development consisting of the winning and working of minerals began not less than five years before the date of the order;
  - (b) that the order does not—
    - (i) impose any restriction on the winning and working of minerals; or
    - (ii) modify or replace any such restriction subject to which planning permission for development consisting of the winning and working of minerals was granted or which was imposed by a relevant order; and
  - (c) that the planning authority carried out special consultations about the making and terms of the order before they made it.
- (6) Where the planning authority—
- (a) make—
    - (i) an order under section 49 of this Act which imposes any such condition or makes any such requirement as is mentioned in subsection (2)(a) of this section; or
    - (ii) an order under section 49A of this Act; and
  - (b) have previously made a relevant order or orders,
- mineral compensation requirements are not satisfied in relation to the order mentioned in paragraph (a) of this subsection unless it was made more than five years after the order previously made or the last such order.”.