



Mineral Workings Act 1985

1985 CHAPTER 12

7 Power to enter former mining land etc.

- (1) This section applies where a local authority have carried out, are carrying out or are considering whether to carry out works on any land under section 89(2) of the National Parks and Access to the Countryside Act 1949 (treatment of derelict land etc.) for the purpose of reclaiming or improving land under which relevant operations have been, but are no longer being, carried out or of enabling it to be brought into use.
- (2) In this section " relevant operations " has the same meaning as in section 89(2) (underground mining operations other than for coal).
- (3) A person duly authorised in writing by the authority may at any reasonable time enter the land first-mentioned in subsection (1) above in order—
 - (a) to carry out works under section 89(2);
 - (b) to survey the land for the purpose of ascertaining the effect on it of works carried out under section 89(2);
 - (c) to survey the land for the purpose of ascertaining the location, extent and state of mine workings produced by relevant operations, the state of the land, the risk of collapse of its surface, the likely extent of collapse, and the nature and extent of any works which may be necessary to prevent collapse or to deal with a collapse which has occurred.
- (4) The power conferred by this section to survey land includes power to search and bore for the purpose of ascertaining the nature of its subsoil.
- (5) A person may not under this section demand admission as of right to any land unless at least 10 clear days' notice in writing of the intended entry has been given to every person who is an owner or occupier or the entry is authorised by a warrant granted under subsection (7) below.
- (6) A notice under subsection (5) above shall specify the purpose for which entry is required and, in a case where entry is sought for the purpose of carrying out works, shall indicate so far as is practicable the nature of the intended works.
- (7) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

Status: This is the original version (as it was originally enacted).

- (a) that a person entitled to enter land under this section is not or will not be able to gain admission to the land, or that any owner or occupier who has not been given notice under subsection (5) above is one who has, after reasonable inquiry by the authority, not been identified or (though identified) not been traced, and
- (b) that there is reasonable ground for entering the land for the purpose for which entry is required,

the justice may by warrant under his hand authorise that person to enter the land, if need be by force; but such a warrant shall not be granted on the ground that a person is not or will not be able to gain admission to the land unless the justice is satisfied that the authority have taken reasonable steps to notify every person who is an owner or occupier of the intention to apply for a warrant.

- (8) Every warrant granted under this section shall continue in force until the purpose for which entry is required has been satisfied.
- (9) A person duly authorised under this section to enter any land shall, if so required, produce evidence of his authority before so entering and may take with him on to the land such other persons and such equipment as may be necessary.
- (10) Any person who intentionally obstructs a person entitled under this section to enter land shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale (as defined in section 75 of the Criminal Justice Act 1982).
- (11) Where in consequence of an exercise of the power to enter land conferred by this section any damage is caused to land or chattels, or any loss occurs in relation to chattels, the local authority authorising the entry shall pay to every person interested in the land or chattels compensation in respect of the damage or loss.
- (12) Where in consequence of an exercise of the power to enter land conferred by this section any person is disturbed in his enjoyment of land or chattels the local authority authorising the entry shall pay to that person compensation in respect of the disturbance.
- (13) Any dispute about a right to compensation under this section or about its amount shall be referred to and determined by the Lands Tribunal; and in relation to the determination of any such dispute sections 2(2) to (5) and 4 of the Land Compensation Act 1961 shall apply (construing the references in section 4 to the acquiring authority as references to the local authority authorising the entry under this section).
- (14) In this section "owner", in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land* whether in possession or in reversion, and includes also a person holding, or entitled to the rents and profits of, the land under a lease or agreement.