

Status: Point in time view as at 12/12/2014.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Paragraph 7. (See end of Document for details)

SCHEDULES

SCHEDULE 23 **E+W**

MINERAL RIGHTS

Interpretation

- 7 (1) In this Schedule—
- “conveyance” has the same meaning as in the ^{M1}Law of Property Act 1925;
 - “designated distance”, in relation to any part of the [^{F1}appropriate agency's] undertaking, means, subject to sub-paragraph (6) below, thirty-seven metres;
 - “mines” means mines of coal, ironstone, slate or other minerals;
 - “owner”, in relation to mines and minerals, includes a lessee or occupier; and
 - “underlying”, in relation to any part of the [^{F1}appropriate agency's] undertaking, means lying under, or within the designated distance from, that part of that undertaking.
- (2) For the purposes of this Schedule the [^{F1}appropriate agency's] undertaking shall be taken to consist of so much of any of the following as is for the time being vested in or held by the [^{F1}appropriate agency] for the purposes of, or in connection with, the carrying out of any of its functions, that is to say—
- (a) any buildings, reservoirs, wells, boreholes or other structures; and
 - [^{F2}(b) any resource mains, discharge pipes or other underground works which are for the time being vested in the appropriate agency.]
- (3) References in this Schedule to the working of any mines or minerals include references to the draining of mines and to the winning or getting of minerals.
- (4) For the purposes of this Schedule land shall be treated as acquired by the [^{F1}appropriate agency] in pursuance of powers of compulsory acquisition if it—
- (a) was so acquired by a water authority or any predecessor of a water authority; and
 - (b) is now vested in the [^{F1}appropriate agency] in accordance with a scheme under Schedule 2 to the ^{M2}Water Act 1989 or otherwise.
- (5) In relation to any land treated by virtue of sub-paragraph (4) above as acquired in pursuance of powers of compulsory acquisition, references in this Schedule to the order authorising the acquisition include references to any local statutory provision which immediately before 1st September 1989 had effect in relation to that land for the purposes of any provisions corresponding to the provisions of this Schedule.
- (6) For the purposes of this Schedule where—

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- (a) any part of the [^{F1}appropriate agency's] undertaking was constructed, made, erected or laid in pursuance of an order made under any enactment or is situated on land acquired by the [^{F1}appropriate agency] in pursuance of any powers of compulsory acquisition; and
- (b) the order authorising the works or acquisition designates any distance for the purposes of any enactment relating to mines or minerals underlying that part of the undertaking,

then for the purposes of this Schedule that distance (instead of the distance specified in subsection (1) above) shall be the designated distance in relation to that part of the undertaking.

Textual Amendments

F1 Words in Sch. 23 paras. 1-7 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 315(a)** (with Sch. 7)

F2 Sch. 23 para. 7(2)(b) substituted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), **ss. 60(2)**, 94(2)(n)

Marginal Citations

M1 1925 c. 20.

M2 1989 c. 15.

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