



Mineral Workings Act 1951

1951 CHAPTER 60

General amendments of law relating to mineral development

29 Mineral development charge set-off

- (1) The powers conferred by section eighty-one of the principal Act (which enables the Minister with the consent of the Treasury to make regulations for modifying that Act in its application to development consisting of the winning and working of minerals) shall include power to make regulations for securing that in the case of such minerals as may be prescribed or determined by or under the regulations (being minerals an interest in which belonged on the appointed day to a person engaged in the development of minerals or treated for the purposes of the regulations as so engaged) the development charge payable under Part VII of that Act in respect of any winning and working of the minerals shall be set off against the payments falling to be made in respect of interests therein under the scheme to be made under section fifty-eight of that Act.
- (2) In the case of any interest in land consisting of or comprising minerals to which the regulations made in accordance with this section apply, the scheme to be made under the said section fifty-eight shall provide for a payment equal to such part of the development value of that interest as may be determined under the said regulations to be attributable to the prospects of development of those minerals, but without prejudice to the provisions of the regulations with respect to the satisfaction of such payments, or to the inclusion in that scheme of provision for a further payment in respect of any such interest in so far as its development value is not determined to be attributable as aforesaid.
- (3) Without prejudice to the generality of the powers conferred by the said section eighty-one, the regulations made in accordance with this section may contain provision—
 - (a) for applying the regulations to minerals, except in such cases as may be prescribed by the regulations, notwithstanding that the ownership of an interest in the minerals has been severed from the right to receive a payment under the said section fifty-eight, and for regulating the devolution of the right to receive any such payment;

Status: This is the original version (as it was originally enacted).

- (b) for requiring payments under the said section fifty-eight in respect of interests in minerals to which the regulations apply to be withheld until satisfied by set-off against development charge or otherwise in pursuance of the regulations, and for excluding, in relation to such payments so far as set off against development charge, the provisions of sections sixty-five to sixty-eight of the principal Act (which relate to the satisfaction of payments under the said section fifty-eight and the payment of interest thereon);
 - (c) for regulating the amount of the development charge payable in respect of any development of minerals to which the regulations apply or of land comprising such minerals and the method of determining any such charge;
 - (d) for requiring the Central Land Board to make payments out of moneys provided by Parliament of such amount and subject to such conditions as may be prescribed by the regulations in respect of expenditure incurred in complying with conditions of a planning permission for any such development as aforesaid ;
 - (e) for the determination of questions arising under the regulations;
 - (f) for any purpose for which provision is authorised to be made by the regulations by virtue of any provision of this Act other than this section ;
 - (g) for any purpose incidental to or consequential on the purposes specified in this section.
- (4) In the application of this section to Scotland, for references to section fifty-eight, to sections sixty-five to sixty-eight, to section eighty-one, and to Part VII of the principal Act there shall be substituted respectively references to section fifty-five, to sections sixty-two to sixty-five, to section seventy-eight, and to Part VI of the Town and Country Planning (Scotland) Act, 1947.
- (5) Regulations made by virtue of this section may apply to any minerals belonging to His Majesty in right of the Duchy of Lancaster, or to the Duchy of Cornwall, in respect of which arrangements under subsection (2) of section eighty-eight of the principal Act are in force; and references in this section to development charge shall be construed as including references to sums payable in pursuance, of such arrangements in substitution for development charge.

30 Modification of" leases granted before 1st July, 1948

- (1) The Lands Tribunal may, upon application made to them within time prescribed period by any party to a mining lease made before the appointed day, by order modify the provisions of the lease so far as may be required in order to secure that the sums payable thereunder by the lessee in respect of any period after the thirtieth day of June, nineteen hundred and fifty-one, do not exceed such sums as in the opinion of the Tribunal would be fair and reasonable as between the parties if the lease had been granted on the appointed day for the term then unexpired and otherwise upon the terms and subject to the covenants and conditions contained therein.
- (2) In determining for the purposes of subsection (1) of this section the sums which would be payable under a lease granted as mentioned in that subsection—
- (a) no account shall be taken of any value attributable to title grant of planning permission for development of the minerals or to the prospect of such permission being granted;

- (b) regard shall be had to any liability of the lessee to make payments (other than tonnage royalties) under the lease in excess of the value of the minerals which he could reasonably be expected to work after the said thirtieth day of June.
- (3) Where an order is made under this section in respect of a mining lease, any sums paid under the lease by the lessee in respect of any period after the thirtieth day of June, nineteen hundred and fifty-one, and before the making of the order shall, to the extent that they exceed the sums payable in accordance with the lease as modified by the order, be recoverable as money had and received by the person to whom it was paid to the use of the plaintiff.
- (4) In determining the development value of any interest in land for the purposes of the scheme to be made under section fifty-eight of the principal Act, no account shall be taken of the provisions of this section ; but the said scheme shall provide—
 - (a) for transferring to the person entitled to receive any payment thereunder in respect of the interest expectant on the determination of any lease in respect of which an order has been or may be made under this section, or who would be so entitled if such a payment fell to be made, such part (if any) of any payment thereunder in respect of the lease as may be prescribed by the scheme ;
 - (b) for the determination by the Lands Tribunal of questions as to the amount of any such payment to be so transferred.
- (5) An order under this section may, with title consent of the appropriate authority as defined by section eighty-seven of the principal Act, be made in respect of a mining lease comprising any minerals belonging to His Majesty in right of the Duchy of Lancaster, or to the Duchy of Cornwall, being minerals in respect of which arrangements under subsection (2) of section eighty-eight of that Act are in force.
- (6) Regulations made by virtue of section twenty-nine of this Act may direct that in relation to leases of minerals to which the regulations apply this section shall apply to such extent, in such cases and subject to such additions and modifications as may be prescribed by the regulations; but except as aforesaid the provisions of this section shall not apply in relation to such a lease.
- (7) The provisions of this section shall apply in relation to an order made under Part I of the Mines (Working Facilities and Support) Act, 1923, as they apply in relation to a mining lease, but as if for references to the Lands Tribunal there were substituted references to the High Court.
- (8) In the application of this section to Scotland, there shall be substituted for the reference to money had and received to the use of the plaintiff a reference to a debt due to the person by whom the sums were paid; for the reference to the interest expectant on the determination of any lease there shall be substituted a reference to the interest of the landlord in property subject to any lease; and for the reference to section fifty-eight of the principal Act there shall be substituted a reference to section fifty-five of the Town and Country Planning (Scotland) Act, 1947.

31 Minerals of National Coal Board

- (1) Section thirty of this Act shall not apply in relation to a mining lease granted by the National Coal Board in respect of land to which the provisions of the principal Act relating to operational land of statutory undertakers apply by virtue of regulations made under section ninety of that Act.

- (2) Notwithstanding anything in section eighty-one of the principal Act (which provides for the application of that Act to mineral development subject to adaptations and modifications to be prescribed by regulations made thereunder) or in any regulations so made before the commencement of this Act, the provisions of that section and of any such regulations shall apply, and shall be deemed always to have applied, in relation to development consisting of the winning and working of minerals vested in the National Coal Board other than development of land to which the provisions of the principal Act relating to operational land of statutory undertakers apply by virtue of regulations made under section ninety of that Act.
- (3) For the purposes of the application during any period before the commencement of this Act of the said section eighty-one and regulations made thereunder, the regulations in force under the said section ninety-at the commencement of this Act shall be deemed to have been in force at all material times.
- (4) In the application of this section to Scotland, for references to section eighty-one and to section ninety of the principal Act there shall be substituted respectively references to section seventy-eight and to section eighty-six of the Town and Country Planning (Scotland) Act, 1947.

32 Temporary stopping up of highways

- (1) An order made by the Minister of Transport under section forty-nine of the principal Act for the stopping up or diversion of a highway may, where the said Minister is satisfied—
 - (a) that the order is required for the purpose of enabling minerals to be worked by surface working; and
 - (b) that the highway can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public,provide for the stopping up or diversion of the highway during such period as may be prescribed by or under the order, and for its restoration at the expiration of that period.
- (2) Without prejudice to the provisions of the said section forty-nine with respect to orders made thereunder, any such order as is authorised by subsection (1) of this section may contain such provisions as appear to the Minister of Transport to be expedient—
 - (a) for imposing upon persons who, apart from the order, would be subject to any liability with respect to the repair of the original highway during the period prescribed by or under the order a corresponding liability in respect of any highway provided in pursuance of the order;
 - (b) for the stopping up at the expiration of the said period of any highway provided as aforesaid and for the reconstruction and maintenance of the original highway;and any provision included in the order in accordance with subsection (4) of the said section forty-nine requiring payment to be made in respect of any cost or expenditure under the order may provide for the payment of a capital sum in respect of the estimated amount of that cost or expenditure.
- (3) In relation to any highway which is stopped up or diverted by virtue of an order under the said section forty-nine, section twenty-five of the Town and Country Planning Act, 1944 (which relates to the extinguishment of rights belonging to statutory undertakers in respect of apparatus in land acquired by a purchasing authority under Part IV of the principal Act) shall have effect—

- (a) as if for references to land which has been acquired as aforesaid and to the purchasing authority there were substituted respectively references to land over which the highway subsisted and to the person entitled to possession of that land ; and
- (b) as if references in subsection (4) to a local authority or statutory undertakers included references to any person (other than a Minister or the Central Land Board) who is entitled to possession as aforesaid,

and sections twenty-six and twenty-seven of the said Act of 1944 shall have effect accordingly.

- (4) In the application of this section to Scotland, for references to section forty-nine of the principal Act there shall be substituted references to section forty-six of the Town and Country Planning (Scotland) Act, 1947, and the following subsection shall be substituted for subsection (3):—

“(3) In relation to any highway which is stopped up or diverted by virtue of an order under the said section forty-six, section twenty-four of the Town and Country Planning (Scotland) Act, 1945 (which relates to the extinguishment of rights belonging to statutory undertakers in respect of apparatus in land acquired by a purchasing authority under Part III of the Town and Country Planning (Scotland) Act, 1947) shall have effect—

- (a) as if for references to land which has been acquired as aforesaid and to the purchasing authority there were substituted respectively references to land over which the highway subsisted and to the person entitled to possession of that land; and
- (b) as if the references in subsection (4) to a local planning authority or statutory undertaker included references to any person (other than a Minister or the Central Land Board) who is entitled to possession as aforesaid,

and sections twenty-five and twenty-six of the said Act of 1945 shall have effect accordingly.”