



Atomic Energy Act 1946

1946 CHAPTER 80

Power to search for and work minerals and acquire property

6 Power to do work for purpose of discovering minerals

- (1) The Minister or any person authorised by him in that behalf may, subject to the provisions of this section, do on, over or below the surface of any land such work as the Minister considers necessary for the purpose of discovering whether there is present in or on the land, either in a natural state or in a deposit of waste material obtained from any underground or surface working, any minerals from which in his opinion any of the prescribed substances can be obtained, and the extent to which any such mineral is so present.
- (2) Before any powers are exercised under the last foregoing subsection in relation to any land, the Minister shall serve on every owner, lessee and occupier of the land a notice in writing specifying the nature of the work proposed to be done and the extent of the land affected, and the time, not being less than twenty-eight days, within which and the manner in which objections can be made thereto, and no such power shall be exercised otherwise than in pursuance of the notice or before the expiration of the time specified therein for making objections.
- (3) If any such objection is duly made and not withdrawn, the Minister shall, before exercising any such powers, afford an opportunity to the person making the objection of appearing before and being heard by a person appointed by the Minister for the purpose and, if the person making the objection avails himself of that opportunity, the Minister may afford to any other persons to whom it appears to him expedient to afford it, an opportunity of being heard on the same occasion.
- (4) The Minister may, after considering any such objection and the report of the person appointed as aforesaid, serve on the persons on whom the original notice was served a further notice in writing withdrawing the original notice or modifying the terms thereof, but not so as to increase the extent of the land affected, and, in the case of modification, no powers shall be exercised under subsection (1) of this section otherwise than in pursuance of the original notice as so modified.

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- (5) The powers conferred by subsection (1) of this section shall be construed as including a power to remove any work constructed or other thing placed on, over or below the surface of the land in the course of the exercise of those powers, and to do such work on the land as the Minister or person authorised by him in that behalf thinks fit for the purpose of restoring the land wholly or partly to the condition in which it would have been but for the exercise of those powers.
- (6) For the purpose of exercising the powers conferred by the foregoing provisions of this section, any person authorised by the Minister in that behalf may pass, -with or without animals or vehicles, over any land.
- (7) If any person wilfully obstructs or interferes" with the exercise of powers under this section, he shall be guilty of an offence under this Act.
- (8) Compensation shall be determined and paid in accordance with the First Schedule to this Act in respect of any diminution in the value of any land resulting from the exercise of powers under this section.

7 Compulsory acquisition of rights to work minerals

- (1) Where it appears to the Minister that any minerals from which in his opinion any of the prescribed substances can be obtained are present in or on any land, either in a natural state or in a deposit of waste material obtained from any underground or surface working, he may by order provide for com-pulsorily vesting in him the exclusive right, so long as the order remains in force, to work those minerals and any other minerals which it appears to him to be necessary to work with those minerals, and may also provide, by that order or a subsequent order, for compulsorily vesting in him any other ancillary rights which appear to him to be necessary for the purpose of working the minerals aforesaid including (without prejudice to the generality of the foregoing provisions)—
 - (a) rights to withdraw support;
 - (b) rights necessary for the purpose of access to or conveyance of the minerals aforesaid or the ventilation or drainage of the workings ;
 - (c) rights to use and occupy the surface of any land for the purpose of erecting any necessary buildings and installing any necessary plant in connection with the working of the minerals aforesaid ;
 - (d) rights to use and occupy for the purposes of working the minerals aforesaid any land forming part of or used in connection with an existing mine or quarry, and to use or acquire any plant used in connection with any such mine or quarry; and
 - (e) rights to obtain a supply of water for purposes connected with the working of the minerals aforesaid, or to dispose of water or other liquid matter obtained in consequence of working such minerals.
- (2) Any order made under this section shall provide for the payment of compensation in such cases and subject to such conditions as may be specified in the order or determined thereunder, in respect of loss suffered as the result of the acquisition or exercise of rights under the order, but no account shall be taken, in calculating the compensation payable as aforesaid, of the value of any minerals present in or on land affected by the order, being minerals specified in the order as those from which in the opinion of the Minister any of the prescribed substances can be obtained.

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- (3) Any order made under this section shall be subject to special parliamentary procedure, and the First Schedule to the Statutory Orders (Special Procedure) Act, 1945 (which sets out the notices to be given and the other requirements to be complied with before an order is made) shall apply to orders made under this section subject to the modification that paragraph 1 of the said Schedule shall be deemed to include a provision requiring the notice of the order as proposed to be made to be served by the Minister—
- (a) on all persons who, but for the order, would be entitled to work the minerals affected ; and
 - (b) on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land in respect of which rights are proposed to be acquired under the order.

8 Compulsory acquisition of prescribed substances, stocks of minerals and plant

- (1) The Minister may, subject to and in accordance with Part I of the Second Schedule to this Act, compulsorily acquire—
- (a) any prescribed substance ;
 - (b) any minerals, being minerals from which in the opinion of the Minister any of the prescribed substances can be obtained, other than minerals in a natural state or contained in a deposit of waste material obtained from any underground or surface working ;
 - (c) any plant designed or adapted for the production or use of atomic energy or research into matters connected therewith.

In the case of any plant which is affixed to land, the Minister may sever it from the land, and shall in that case make good any damage caused by the severance.

- (2) Compensation in respect of the acquisition of any article under this section shall be paid in accordance with Part II of the Second Schedule to this Act.

9 Compulsory acquisition of rights under contract

- (1) The Minister may serve on any person who is a party to a contract relating to the production or use of atomic energy or research into matters connected therewith, not being a contract for the rendering of personal services, a notice in writing stating that on such date as may be specified in the notice his rights and liabilities under the contract will be transferred to the Minister ; and thereupon, subject to any withdrawal of the notice under the following provisions of this section, the contract shall, as regards any rights exercisable, or liabilities incurred, on or after the said date, have effect as if the Minister were a party to the contract instead of the person on whom the notice was served, and as if for any reference in the contract to that person there were substituted a reference to the Minister.
- (2) A notice served under the last foregoing subsection shall contain a statement to the effect that an objection may be made thereto within such time and in such manner as may be specified, and if any such objection is duly made and not withdrawn, the Minister shall afford an opportunity to the person making the objection of appearing before and being heard by a person appointed by the Minister for the purpose.
- (3) After considering any such objection and the report of the person appointed by him under the last foregoing subsection, the Minister may serve on the person on whom the

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original notice was served a further notice in writing withdrawing the original notice, and if the original notice has already taken effect, it shall cease to operate in relation to the contract as regards any rights exercisable, or liabilities incurred, on or after the date on which the notice of withdrawal was served.

- (4) Where the rights and liabilities a partite- a contract are transferred to the Minister under this section, there shall be paid to that party such compensation in respect of any loss suffered by that party as may be agreed between him and the Minister with the approval of the Treasury or, in default of such agreement, as may be determined by arbitration.