



Dean Forest (Mines) Act 1871

1871 CHAPTER 85 34 and 35 Vict

An Act to make further provision respecting the opening and working of mines and quarries in Her Majesty's Forest of Dean, and in the Hundred of Saint Briavels, in the county of Gloucester; and for other purposes connected therewith. [16th August 1871]

Modifications etc. (not altering text)

- C1 Functions of gaveller now exercisable by Forestry Commissioners: [Dean Forest \(Mines\) Act 1838](#) (c. 43), s. 13 and S.R. & O. 1924/386 (Rev. V, p. 443: 1924, p. 454), art. 5
- C2 Preamble (which recited [Dean Forest \(Mines\) Act 1838](#) (c. 43)) repealed by [Statute Law \(Repeals\) Act 1869](#) (c. 52), Sch. Pt. VII

PRELIMINARY

1 Short title.

This Act may be cited for all purposes as “The Dean Forest (Mines) Act 1871.”

2 Interpretation.

In this Act—

..... F1
The term “principal Acts” shall mean the Act of 1838 and the ^{M1}Dean Forest Act 1861:

..... F1

Textual Amendments

- F1 Definitions repealed by [Statute Law \(Repeals\) Act 1969](#) (c. 52), Sch. Pt. VII

Modifications etc. (not altering text)

- C3 “the Act of 1838” means [Dean Forest \(Mines\) Act 1838](#) (c. 43)

Changes to legislation: There are currently no known outstanding effects for the Dean Forest (Mines) Act 1871. (See end of Document for details)

Marginal Citations

M1 1861 c. 40.

3 Limits of Act.

This Act shall apply to and be in force within the limits of the principal Acts, that is to say, within the whole of Her Majesty’s Forest of Dean, and of the Hundred of Saint Briavels, excepting only such lands being part of the same and belonging to Her Majesty or to any of Her Majesty’s subjects to which the provisions of the principal Acts do not extend, in consequence of notices on behalf of Her Majesty, or other the owner or owners of the said lands, having been given with respect to the same, under the provisions of the sixty-eighth section of the Act of 1838.

4 Construction of Act.

The principal Acts, so far as not inconsistent with this Act, and this Act shall be construed together and read as one Act.

PART I

5—32. F2

Textual Amendments

F2 Pt. I (ss. 5—32) repealed with saving as to the award made by Forest of Dean Mining Commissioners of 1871 under those sections by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. VII](#)

PART II

MISCELLANEOUS

33 Power to gaveller to accept surrender of part of a gale.

The gaveller may, for and on behalf of Her Majesty, her heirs and successors, accept from the owner or owners of any gale the surrender of any part of such gale on such terms and subject to such conditions as to rent, royalty, and other liabilities in respect of the same as he shall think expedient and proper, in like manner and subject to the like conditions as he is now under the provisions of the principal Acts empowered to accept the surrender of a whole gale.

34 Power to grant renewals of leases to assignees of free miners.

Where the interest of any free miner under the lease of any quarry within the said forest has been assigned to any person or persons not being a free miner or free miners, the [^{F3}Forestry Commissioners] may, on the surrender or on the determination of the term of such lease, and of the term of any lease made under the authority of this section, grant to the person or persons in possession under and by virtue of such assignment or

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lease a new lease of such quarry for any term not exceeding twenty-one years, subject to such rent and under such conditions as may be agreed upon, in like manner as if such person or persons so in possession were a free miner or free miners.

Textual Amendments

F3 Words substituted by virtue of S.R. & O. 1924/386 (Rev. V, p. 443: 1924, p. 454), art. 2

35 Minimum or dead rent to be made up to 31st December.

From and after the passing of this Act all sums of money payable to Her Majesty, her heirs and successors, by way of galeage or dead or certain rent, in respect of all gales, shall be made up to and paid to Her Majesty, her heirs and successors, on the thirty-first day of December in every year, with such apportionment, if any, as may be necessary in respect of the first of any such payments under this Act, and all sums of money payable to Her Majesty, her heirs and successors, by way of royalties or tonnage duties in respect of all gales shall be made up to and paid to Her Majesty, her heirs and successors, on the thirtieth day of June and the thirty-first day of December in every year.

36 Amendment of 59 G. 3. c. 86. as to recovery of gale rents.

The provisions of the ^{M2}Dean Forest Act 1819 with respect to the recovery of money due for or in respect of gale rents payable within the said Forest of Dean, shall extend and apply to the recovery of all sums due to Her Majesty, her heirs and successors, in respect of galeage or dead or certain rent, royalty, or tonnage duty due in respect of any gale within the limits of this Act.

Marginal Citations

M2 1819 c. 86.

37 As to costs of arbitration.

From and after the passing of this Act section forty-nine of the Act of 1838 shall be and the same is hereby repealed, and in lieu thereof the following provisions shall have effect, that is to say, on the appointment by [^{F4}the High Court] of any arbitrator under the provisions of section forty-seven of the said Act, the rate and mode of the remuneration of such arbitrator shall be fixed by the court, and such remuneration and the expenses of such arbitrator, and also the remuneration and expenses of any arbitrator to be appointed under the provisions of the said section forty-seven by the gaveller or deputy gaveller for the time being, and any such person or persons as are in the same section mentioned, shall in the first instance be paid by the gaveller or the [^{F5}Forestry Commissioners] on behalf of the Crown, but the Crown or the gaveller shall in every case be entitled to recover one moiety of such remuneration and expenses from the other party or parties to the arbitration: And the gaveller or deputy gaveller on the one hand, and the other party or parties to the arbitration on the other hand, shall in every case each respectively pay their or his own costs and expenses of and incident to the arbitration.

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Textual Amendments

- F4** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 224\(1\)](#)
- F5** Words substituted by virtue of S.R. & O. 1924/386 (Rev. V, p. 443: 1924, p. 454), art. 2

38 Scale of plans of new works.

All plans required to be made and kept under the provisions of the principal Acts and the rules made under the authority and in pursuance of the same shall, after the passing of this Act, be made on the scale of [^{F6}1 to 2,500] .

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Textual Amendments

- F6** Words substituted by [S.I. 1979/836, Sch. para. 3](#)

Changes to legislation:

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