

SCHEDULES

SCHEDULE 11

COMPENSATION IN RESPECT OF CERTAIN ORDERS AFFECTING MINERAL WORKING

Power to modify compensation provisions

- 1 (1) The Secretary of State may by regulations made with the consent of the Treasury direct that where mineral compensation requirements are satisfied sections 107, 115, 117, 279 and 280 shall have effect subject, in such cases as may be specified in the regulations, to such modifications (in this Schedule referred to as “mineral compensation modifications”) as may be so specified.
- (2) Any such regulations shall make provision as to circumstances in which compensation is not to be payable.
- (3) Any such regulations shall make provision—
 - (a) for the modification of the basis on which any amount to be paid by way of compensation is to be assessed; or
 - (b) for the assessment of any such amount on a basis different from that on which it would otherwise have been assessed.
- (4) Regulations made by virtue of sub-paragraph (3)(a) in relation to compensation where an order is made under section 97 or paragraph 1 of Schedule 9 shall provide that the amount of the compensation under section 107 or, as the case may be, section 115 shall be reduced—
 - (a) by the prescribed sum; or
 - (b) by a sum equal to the prescribed percentage of the appropriate sum.
- (5) In sub-paragraph (4) “the appropriate sum” means the product of—
 - (a) the sum which represents the annual value of the right to win and work minerals at the site to which the order relates, and
 - (b) a multiplier which the Secretary of State considers appropriate having regard to the period at the expiry of which the minerals in, on or under that site might be expected to be exhausted if they continued to be extracted at the rate which has been assumed for the purpose of calculating the annual value of the right to win and work them.
- (6) The prescribed percentage shall not be more than 10 per cent.
- (7) The annual value of the right to win and work the minerals shall be calculated in the prescribed manner.
- (8) Regulations under this paragraph—
 - (a) may make different provision for different cases; and
 - (b) may include such incidental or supplementary provisions as the Secretary of State considers expedient.

Status: This is the original version (as it was originally enacted).

- (9) No regulations under this paragraph shall have effect until approved by a resolution of each House of Parliament.
- (10) Before making any such regulations the Secretary of State shall consult such persons or bodies of persons as appear to him to be representative—
- (a) of persons carrying out mining operations;
 - (b) of owners of interests in land containing minerals; and
 - (c) of mineral planning authorities.