



Mineral Workings Act 1951

1951 CHAPTER 60 14 and 15 Geo 6

An Act to establish a fund for the purpose of financing the restoration of land in England used for the working of ironstone by opencast operations and to provide for payments to and from that fund; to make provision for the reclamation, cultivation, afforestation or other treatment of such land; to provide for setting off the development charge in respect of certain minerals against payments under Part VI of the Town and Country Planning Act 1947, or Part V of the Town and Country Planning (Scotland) Act 1947, in respect of interests therein, for the modification of certain mining leases and orders granting working rights, and for the application of section eighty-one of the Town and Country Planning Act 1947, and section seventy-eight of the Town and Country Planning (Scotland) Act 1947, to certain minerals of the National Coal Board; to authorise the temporary stopping up or diversion of highways for the purpose of working minerals by opencast operations; and for purposes connected with the matters aforesaid.

[1st August 1951]

1—27.^{F1}

Textual Amendments

F1 Ss. 1–27, 29–31, 33–40(1)–(5), 41(1), 41(3), 42(3)–(5), 43, Schs. 1, 4 repealed by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), ss. 1(1), 6(2), 10, [Sch. 2](#) (with savings (E.W.) in s. 4(1)(7) of the 1985 Act for ss. 20, 21, 41(1))

28 Modification of payments in lieu of restoration under ironstone leases.

- (1) Where any ironstone comprised in a mining lease made before the commencement of this Act is worked by opencast operations in accordance with planning permission, then if—

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Mineral Workings Act 1951. (See end of Document for details)

- (a) the lease contains provisions requiring or enabling the lessee to pay a specified sum in lieu of compliance with any obligation relating to the restoration of the land or by way of liquidated damages for breach of such an obligation, or to return the land after restoration or upon payment of a specified sum in lieu of restoration; and
- (b) the planning permission is subject to conditions regulating the manner in which the land is to be dealt with after working, but not requiring its restoration in the manner or to the extent specified in the lease, and those conditions are complied with,

the sum payable by the lessee as aforesaid under the lease in respect of that land shall be reduced to such extent (if any) as may be just having regard to any benefit accruing to the lessor, or any person deriving title from him, in consequence of compliance with the said conditions.

- (2) Any question whether any and if so what reduction falls to be made under this section in the sums payable under a lease shall, in default of agreement between the parties, be determined by arbitration.
- (3) For the purpose of calculating the amount of any reduction under this section, the value of any benefit accruing in consequence of compliance with any conditions shall be ascertained by reference to prices of land current at the time when the sum to be reduced is payable; but if that sum is less than the sum which would represent the value of the land at that time if it were restored to the extent contemplated in the lease, the value of the benefit accruing as aforesaid shall be reduced proportionately.
- (4) The provisions of this section shall apply in relation to a conveyance of ironstone or a conveyance of land subject to an exception of ironstone as they apply in relation to a mining lease, and as if for references to the lessee and to the lessor there were substituted respectively references to the person entitled to the ironstone by virtue of the conveyance or exception and to the person entitled to the surface of the land.

General amendments of law relating to mineral development

29— F2
31.

Textual Amendments

F2 Ss. 1–27, 29-31, 33-40(1)–(5), 41(1), 41(3), 42(3)–(5), 43, Schs. 1, 4 repealed by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), ss. 1(1), 6(2), 10, [Sch. 2](#) (with savings (E.W.) in s. 4(1)(7) of the 1985 Act for ss. 20, 21, 41(1))

[^{F3}32 **Temporary stopping up of roads for purposes of mineral working.**

- (1) An order made by the Secretary of State under section 198, or by a planning authority under section 198A or 199, of the Town and Country Planning (Scotland) Act 1972 (roads etc. affected by development: various orders) for the stopping up or diversion of a public road may, where he is, or as the case may be they are, satisfied—
 - (a) that the order is required for the purpose of enabling minerals to be worked by surface working; and

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- (b) that the road 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 road during such period as may be prescribed by or under the order, and for the road's restoration at the expiration of that period.
- (2) Without prejudice to the provisions of the said section 198, 198A or 199 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 Secretary of State, or as the case may be the planning authority, 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 road during the period prescribed by or under the order a corresponding liability in respect of any road provided in pursuance of the order;
 - (b) for the stopping up at the expiration of the said period of any road provided as aforesaid and for the reconstruction and maintenance of the original road; and any provision included in the order in accordance with subsection (3) of the said section 198, or subsection (2) of the said section 199, 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 road which is stopped up or diverted by virtue of an order under the said section 198 or 198A, section 219 of the Town and Country Planning (Scotland) Act 1972 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 road subsisted and to the person entitled to possession of that land; and
 - (b) as if the references in subsection (4) to a planning authority or statutory undertaker included references to any person (other than the Secretary of State) who is entitled to possession as aforesaid; and sections 222 to 225 of the said Act of 1972 shall have effect accordingly.]

Textual Amendments

- F3** S. 32 substituted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), ss. 128(1), [Sch. 9 para. 41](#), original text repealed (E.W.) by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Part II](#)

Supplementary provisions

33— **Offences.**

39.

F4

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Textual Amendments

F4 Ss. 1–27, 29-31, 33-40(1)–(5), 41(1), 41(3), 42(3)–(5), 43, Schs. 1, 4 repealed by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), ss. 1(1), 6(2), 10, **Sch. 2** (with savings (E.W.) in s. 4(1)(7) of the 1985 Act for ss. 20, 21, 41(1))

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(1) **F5**

[^{F6}(6) Any expenses of the Minister of Transport under section thirty-two of this Act shall be defrayed in accordance with the provisions of [^{F7}[^{F8}subsection (1) of section 260 of the ^{M1}Town and Country Planning Act 1971] or][^{F9}subsection (1) of section 247 of the ^{M2}Town and Country Planning (Scotland) Act 1972], [^{F8}as the case may be].]

Textual Amendments

F5 Ss. 1–27, 29-31, 33-40(1)–(5), 41(1), 41(3), 42(3)–(5), 43, Schs. 1, 4 repealed by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), ss. 1(1), 6(2), 10, **Sch. 2** (with savings (E.W.) in s. 4(1)(7) of the 1985 Act for ss. 20, 21, 41(1))

F6 S. 40(6) repealed (E.W.) by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Part II**

F7 Words substituted by virtue of [Town and Country Planning Act 1971 \(c. 78\)](#), **Sch. 24 para. 2**

F8 Words repealed (S.) by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Part III**

F9 Words substituted by virtue of [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 22 para. 2**

Marginal Citations

M1 1971 c. 78.

M2 1972 c. 52.

41 Interpretation.

(1) **F10**

(2) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including, except where the context otherwise requires, this Act.

[^{F11}(2A) In this Act, except where the contrary is provided or the context otherwise requires, expressions defined in [^{F12}the Town and Country Planning Act ^{M3}1990] have the same meanings as in that Act.

In the application of this Act to Scotland, for the reference to [^{F12}the Town and Country Planning Act 1990]in this subsection there shall be substituted a reference to the Town and Country Planning (Scotland) Act ^{M4}1972.]

(3) **F10**

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Textual Amendments

- F10** Ss. 1–27, 29-31, 33-40(1)–(5), 41(1), 41(3), 42(3)–(5), 43, Schs. 1, 4 repealed by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), ss. 1(1), 6(2), 10, [Sch. 2](#) (with savings (E.W.) in s. 4(1)(7) of the 1985 Act for ss. 20, 21, 41(1))
- F11** S. 41(2A) inserted after s. 41(2) by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), s. [6\(4\)](#)
- F12** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 2](#)

Marginal Citations

- M3** 1990 c.8 (123:1).
- M4** 1972 c.52 (123:2).

42 General application to Scotland.

- (1) The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.
- (2) Sections one to twenty-eight and sections thirty-three to thirty-eight of, and the Schedules to, this Act shall not extend to Scotland.
- (3) ^{F13}

Textual Amendments

- F13** Ss. 1–27, 29-31, 33-40(1)–(5), 41(1), 41(3), 42(3)–(5), 43, Schs. 1, 4 repealed by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), ss. 1(1), 6(2), 10, [Sch. 2](#) (with savings (E.W.) in s. 4(1)(7) of the 1985 Act for ss. 20, 21, 41(1))

43 †Short title, extent and repeal.

- (1) This Act may be cited as the Mineral Workings Act 1951.
- (2) This Act shall not extend to Northern Ireland.
- (3)

Modifications etc. (not altering text)

- C1** Unreliable marginal note

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SCHEDULES

F14F14 FIRST SCHEDULE

Textual Amendments

F14 Ss. 1-27, 29-31, 33-40(1)-(5), 41(1), 41(3), 42(3)-(5), 43, Schs. 1, 4 repealed by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), ss. 1(1), 6(2), 10, **Sch. 2** (with savings (E.W.) in [S. 4\(1\)\(7\)](#) of the 1985 Act for ss. 20, 21, 41(1))

F14
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