



Mineral Workings Act 1951

1951 CHAPTER 60

Contributions to the fund and payments to operators

3 Contributions from ironstone operators

- (1) In respect of all ironstone extracted by opencast operations after the thirtieth day of June, nineteen hundred and fifty-one, from land within the ironstone district, contributions at the rate prescribed by this section shall be paid to the Minister by the persons by whom those operations are carried out
- (2) Subject to the following provisions of this Act, the rate of the contributions payable under this section shall be one penny and one-eighth for each ton of ironstone weighed in its crude state after extraction and before calcination.
- (3) Provision may be made by regulations made by the Minister for securing that where contributions are payable under this section in respect of ironstone which is calcined on the site before weighing, the tonnage shall be estimated for the purposes of this section by reference to the weight after calcination in accordance with such formula as may be prescribed by the regulations.
- (4) A person who carries out operations in respect of which contributions are payable under this section is in this Act referred to as an operator.

4 Returns by operators and payment of contributions

- (1) Every operator shall within one month after the end of the financial year ending on the thirty-first day of March, nineteen hundred and fifty-two, and every subsequent financial year—
 - (a) make a return to the Minister in the prescribed manner, containing particulars of the tonnage of ironstone extracted by him during that year in respect of which contributions are payable by him under section three of this Act; and
 - (b) pay to the Minister the amount of the contributions due from him in respect of that year.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) The Minister may require any operator to furnish to the Minister such particulars as the Minister may reasonably require for the purpose of verifying any return made by the operator or of ascertaining whether such a return ought to have been so made, and to produce for the inspection of a person appointed by the Minister any accounts or records relating to his business which the Minister may reasonably require as aforesaid.
- (3) Any sum by which the payment, made by an operator in respect of any financial year in accordance with subsection (1) of this section, falls short of or exceeds the amount of the contributions actually due from him in respect of that year shall be recoverable by or from the Minister, as the case may be, on demand with interest at such rate as may from time to time be determined by the Treasury.

5 Contributions from ironstone owners

- (1) Where under the scheme to be made pursuant to section fifty-eight of the principal Act a payment falls to be made in respect of any interest in land within the ironstone district, being an interest of which the development value is wholly or partly attributable to the prospect of developing the land by winning and working ironstone by opencast operations, then, subject to the provisions of this Act, a contribution shall be made to the Minister out of that payment in accordance with the following provisions of this section.
- (2) The amount of the contribution payable under this section in respect of an interest in land shall be calculated in accordance with the formula set out in the Second Schedule to this Act.
- (3) For the purposes of this section and of the said Second Schedule, no account shall be taken of development value attributable to the prospect of developing land by winning and working ironstone which immediately before the fifteenth day of February, nineteen hundred and fifty-one, was subject to a full restoring lease.
- (4) The scheme to be made under section fifty-eight of the principal Act may contain such incidental and consequential provisions as appear to the Treasury to be necessary or expedient for the purposes of this section, including provision for the determination by the Lands Tribunal of questions as to liability for contributions under this section and as to the amount of such contributions; and subsection (2) of section sixty-five of that Act (which prescribes the date on which stock is to be issued in respect of such payments) shall have effect as if the reference therein to the amount of any payment required by that section to be satisfied by the issue of stock included a reference to the amount of any contribution to be made under this section out of such a payment.
- (5) Any sum payable by way of a contribution under this section out of a payment under the said scheme in respect of an interest in land shall be issued to the Minister in cash out of the Consolidated Fund at the time when the balance of the payment is satisfied under the said section sixty-five, together with interest thereon at the rate determined under subsection (3) of that section; and the payment and interest on the payment shall, to the extent of that sum and interest thereon, be deemed to be satisfied accordingly.
- (6) For the purpose of providing sums to be issued under subsection (5) of this section, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939; and any securities created and issued to raise

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

money under this section shall be deemed for all purposes to have been created and issued under that Act.

- (7) Section sixty-eight of the principal Act (which requires the Central Land Board to pay certain sums into the Exchequer in respect of payments which are satisfied by the issue of stock under Part VI of that Act) shall apply in relation to any sums issued to the Minister under subsection (5) of this section as it applies in relation to payments satisfied by the issue of stock as aforesaid.

6 Application to land held by operators on 1st July, 1948

- (1) This section applies to ironstone to which regulations made by virtue of section twenty-nine of this Act apply, not being ironstone which immediately before the fifteenth day of February, nineteen hundred and fifty-one, was subject to a full restoring lease.
- (2) Where, under the said regulations, the development charge payable in respect of the winning and working of any ironstone to which this section applies is or is to be set off against the payments falling to be made under section fifty-eight of the principal Act in respect of interests therein—
- (a) the rate of the contributions payable under section three of this Act in respect of that ironstone shall be twopence farthing instead of one penny and one eighth per ton ; and
 - (b) where the ironstone is comprised in a mining lease made before the commencement of this Act (not being a lease made after the fifteenth day of February, nineteen hundred and fifty-one, which expressly provides that this provision shall not apply thereto) a deduction of the amount authorised by the Third Schedule to this Act may, notwithstanding anything, in the lease, be made on account of the said contributions from payments by the lessee under the lease in accordance with the provisions of that Schedule or otherwise recovered by the lessee in accordance with those provisions.
- (3) Where the payment falling to be made under section fifty-eight of the principal Act in respect of any interest in land comprising ironstone to which this section applies is withheld under the said regulations, no contribution shall be payable under section five of this Act out of that payment unless and until the payment or any part thereof is satisfied (otherwise than by set-off against development charge) in pursuance of the regulations ; and in any-such case—
- (a) subsection (5) of the said section five shall have effect as if for the reference to section sixty-five of the principal Act there were substituted a reference to that section as modified by the regulations ; and
 - (b) where a part only of the said payment is so satisfied, the amount of the contribution under the said section five shall be reduced proportionately.
- (4) Regulations made by virtue of the said section twenty-nine may make provision for securing that where, after the development charge in respect of any development of ironstone to which this section applies has been set off as mentioned in subsection (2) of this section, compensation becomes payable—
- (a) under section twenty-two of the principal Act, or under that section as amended by regulations made under section eighty-one of that Act, in consequence of the revocation or modification of planning permission for the development;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) under subsection (4) of section fifty-one of that Act, or under that subsection as so amended, on a compulsory acquisition of an interest in land comprising the ironstone; or
- (c) under any enactment other than the principal Act, in consequence of the imposition of any prohibition or restriction in respect of that development,

a contribution shall be made to the fund not exceeding the contribution which would be payable under section five of this Act if the said compensation, so far as attributable to loss of the prospect of that development, were a payment falling to be made under section fifty-eight of that Act and satisfied (otherwise than by set-off against development charge) in pursuance of the regulations.

- (5) In calculating the amount of any such compensation as is mentioned in subsection (4) of this section, no account shall be taken of the provisions of this section ; but subsection (2) of this section shall not apply to any ironstone in respect of which a contribution has become payable by virtue of the said subsection (4).

7 Land held on charitable trusts

- (1) The Minister may by order direct that sections five and six of this Act shall not apply to ironstone specified in the order, being ironstone an interest in which is held on the date of the order on charitable trusts or for charitable purposes.
- (2) No order shall be made under this section after the thirty-first day of December, nineteen hundred and fifty-two.
- (3) An order under this section may be made so as to take effect from the date of the order or from such earlier date as may be specified therein.

8 Exchequer contributions

- (1) In respect of all ironstone in respect of which contributions are payable by operators under section three of this Act, the Minister shall pay into the fund a contribution of three farthings for each ton, weighed or estimated in accordance with the provisions of that section.
- (2) Any contribution payable by the Minister under this section shall be paid as soon as may be after the end of the financial year during which the ironstone to which the contribution relates is extracted.
- (3) Any sums required by the Minister for the payment of contributions under this section shall be defrayed out of moneys provided by Parliament.

9 Payments to operators from the fund

- (1) Subject to the provisions of this Act, an operator who carries out work for levelling worked ironstone land within the ironstone district or for respreading surface soil removed from such land or for otherwise restoring fertility thereto, being in any case work required by conditions of a planning permission, shall be entitled to receive from the Minister a payment in respect of the work.
- (2) The payment to be made to an operator under this section in respect of any work shall be at such rate per acre as may be determined, upon application made under section ten of this Act, being the rate which appears to the Minister to represent the amount by which the cost per acre which the operator, working efficiently with such plant as

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

in all the circumstances of the case he might reasonably be or have been expected to use, would incur in carrying out the work exceeds the standard rate.

- (3) In this section " the standard rate " means such sum per acre as the Minister may by order determine; and for the purpose of determining that sum the Minister shall have regard—
- (a) to the obligations usually imposed on lessees by mining leases of ironstone in force on the twenty-fifth day of July, nineteen hundred and fifty, with respect to the carrying out of works for the restoration of land after working by opencast operations or the payments of sums in lieu of the carrying out of such works;
 - (b) to the nature and extent of any such works in progress on the said date (whether carried out under mining leases or not) and the costs incurred in carrying out those works or any other such works of which those works form part.
- (4) No payment shall be made to an operator under this section in respect of any work if and so far as the carrying out of that work is necessary, apart from any conditions of the planning permission, for the purpose of extracting ironstone or of disposing of materials excavated for that purpose.

10 Determination of rates of payments to operators

- (1) An application for the determination of the rate of the payments to be made under section nine of this Act in respect of any work may be made to the Minister in such manner and at such time, and shall be supported by such information, as may be prescribed.
- (2) The Minister shall not be required to determine a rate in pursuance of an application made under this section if it appears to him that the application relates to part only of an area of ironstone which the operator has the right to work by opencast operations, and which he would in the ordinary course work by means of a single cut or gully or a series of contiguous cuts or gullies, unless the Minister is satisfied that the remainder of that area consists either—
- (a) of ironstone comprised in land in respect of which no payment would be made under section nine of this Act; or
 - (b) of ironstone which would not in the ordinary course be worked by the operator within a period of fifteen years from the date of the application, and in the case of which particulars of the nature of the land lying over the ironstone sufficient for the determination of a rate under this section are not available.
- (3) Upon any such application as aforesaid, the Minister may, if he thinks fit, determine different rates in respect of work to be carried out on different parts of the land to which the application relates.
- (4) Subject to the foregoing provisions of this section, the Minister shall in the first instance determine the rate provisionally, and shall give notice of the provisional determination to the applicant.
- (5) If the applicant is dissatisfied with the provisional determination—
- (a) the applicant may, within such period and in such manner as may be prescribed, make representations to the Minister;
 - (b) if at the time of making such representations the applicant informs the Minister that he wishes to be heard upon them, the Minister shall afford, to him an opportunity of appearing before and being heard by the Advisory Committee

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

on Ironstone Restoration or any other committee or person designated or appointed by the Minister for the purpose ;

- (c) the Minister shall, after considering the representations and the report of any such committee or person as aforesaid, either confirm the provisional determination or make a revised determination.
- (6) If no such representations as aforesaid are made to the Minister within the prescribed period, the provisional determination shall be deemed to have been confirmed at the expiration of that period.
- (7) Any rate determined under this section may, if the Minister thinks fit, be determined subject to variation, without the necessity for a direction under section eleven of this Act, by reference to the cost of labour or materials or such other factors as may be specified in the determination.

11 Variation of rates of payments to operators

- (1) If, after the rate of the payment to be made under section nine of this Act in respect of any work has been determined under that section, the Minister is satisfied that by reason of circumstances which were not known or foreseen when the rate was so determined, including any order made under section twenty-one of the principal Act (which relates to the revocation and modification of planning permission) the rate so determined substantially falls short of or exceeds the difference mentioned in subsection (2) of the said section nine, he may direct that payments in respect of the work shall be made at such revised rate as he may determine having regard to those circumstances.
- (2) A direction under this section may be given in pursuance either of an application made to the Minister by the operator or of a notice given to the operator by the Minister, and shall have effect in relation to any work done after the date of the direction or such earlier date (whether before or after the date of the application or notice) as may be specified in the direction ; and any payment made under section nine of this Act in respect of work done after the date from which the direction has effect and before the date on which it is given shall be subject to adjustment accordingly.
- (3) Section ten of this Act shall apply in relation to the determination of a revised rate under this section as it applies to the original determination of a rate, subject to the modification that where the revised rate is determined in pursuance of a notice given by the Minister to the operator subsections (1) and (2) shall not apply and references to the applicant and to the application shall be construed as references to the operator and to the notice.
- (4) Unless the determination of a revised rate is required in consequence of an order under section twenty-one of the principal Act, no direction shall be given under this section until after the expiration of three years (or such period, whether longer or shorter than three years, as may be prescribed) from the date of the confirmation or revision of the determination of the original rate or, where any previous direction has been given under this section, from the date of the last such previous direction.

12 Payments of sums due to operators

- (1) A claim for a payment at the rate determined under the foregoing provisions of this Act may be made by the operator at any time after the completion of any of the work to which the determination relates; but where such a claim has been made, no further

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

claim shall be made until after the expiration of the period of six months (or such period, whether longer or shorter than six months, as may be prescribed) from the date of the last previous claim.

- (2) A claim under this section shall be made in the prescribed manner and shall include a certificate by the claimant that the work in respect of which the claim is made has been carried out.
- (3) The Minister may require any operator by whom a claim is made under this section to furnish such further particulars as the Minister may reasonably need for the purpose of verifying the claim.
- (4) On being satisfied that the work in respect of which the claim is made has been duly carried out by or on behalf of the operator, or (if carried out otherwise than by or on behalf of the operator) that the cost of carrying it out has been recovered from the operator, the Minister shall pay to the operator the amount due in respect of that work.
- (5) If any work in respect of which a claim for a payment under section nine of this Act has been or might be made by an operator has been carried out by the local planning authority or any person other than the operator in pursuance of an enforcement notice served under section twenty three of the principal Act, the Minister may pay to that authority or person such sum as appears to him to be equivalent to the payment which could have been made to the operator under the said section nine if the work had been carried out by the operator and all proceedings required for determining the amount of the payment or establishing the right of the operator thereto had been taken; and any sum recoverable from the operator by that authority or person under section twenty-four of that Act in respect of that work shall be reduced by the sum so paid by the Minister.
- (6) If the Minister is satisfied that any work carried out by or on behalf of an operator is work in respect of which the operator would be entitled (subject to the determination of the rate or to the making of a claim under this section) to receive a payment under section nine of this Act, he may advance to the operator such sum on account of that payment as he thinks proper, notwithstanding that the rate has not been determined or that a claim has not been made under this section.

13 Work in progress since 25th July, 1950

- (1) Subject to the provisions of this section, section nine of this Act shall apply to work carried out on or after the twenty-fifth day of July, nineteen hundred and fifty, and before the commencement of this Act as it applies to work carried out after the commencement of this Act.
- (2) Where any such work as aforesaid has been carried out on the same land partly before and partly after the twenty-fifth day of July, nineteen hundred and fifty, the rate of the payment to be made to the operator under the said section nine in respect of the work carried out on that land on and after the said date shall be calculated in accordance with the formula set out in the Fourth Schedule to this Act.

14 Development charge in respect of ironstone workings

- (1) For the purposes of subsection (2) of section seventy of the principal Act (which requires development charges to be determined having regard to the difference between the value of land with the benefit of planning permission and without

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

the benefit of such permission) no account shall be taken of any liability to pay contributions under this Act in respect of ironstone extracted by opencast operations.

- (2) Where the development charge payable in respect of the winning and working of any ironstone has been determined by the Central Land Board 'before the commencement of this Act, the Board may vary their determination to such extent, and as from such date, as appears to them to be appropriate for the purpose of taking into account the payments falling to be made under section nine of this Act in respect of works to be carried out in connection with the winning and working of that ironstone, and the determination shall have effect accordingly notwithstanding anything in section seventy-three of the principal Act.

15 Provisions relating to Iron and Steel Corporation

- (1) Regulations made by the Minister may provide for modifying the foregoing provisions of this Act in their application to operators being publicly owned companies within the meaning of the Iron and Steel Act, 1949, so far as appears to the Minister to be expedient for the purpose of securing—
- (a) that any return, application or claim to be made under those provisions and any information to be furnished thereunder, may be made or furnished on behalf of any such operator by the Iron and Steel Corporation of Great Britain;
 - (b) that any payment falling to be made under those provisions by or to such an operator may be made by or to the said Corporation on behalf of or on account of the operator.
- (2) For the purpose of determining the standard rate under section nine of this Act the Minister shall consult with the said Corporation; and it shall be the duty of the said Corporation to furnish to the Minister such information as he may reasonably require for the purpose of determining that rate.