3. This Order shall come into force on the first day of April, 1952.

Dated this seventeenth day of March, 1952.

Edward Heath,
Dennis Vosper,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE
(This Note is not part of the Order, but is intended to indicate its general purport.)

Under section 4 (3) of the Mineral Workings Act, 1951, any sum by which the payment, made by an operator in respect of any financial year in accordance with subsection (1) of that 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. By this Order the Treasury determine a rate of three per cent. per annum.

1952 No. 547

The Ironstone Restoration Fund (General) Regulations, 1952

Made - - - -	17*th March*, 1952
Laid before Parliament	18*th March*, 1952
Coming into Operation	1*st April*, 1952

H.L.G. 2540.

The Minister of Housing and Local Government, in exercise of the powers conferred on him by Sections 3, 4, 10 and 12 of the Mineral Workings Act, 1951(a) and of all other powers enabling him in that behalf hereby makes the following regulations :—

Citation and commencement

1. These regulations may be cited as the Ironstone Restoration Fund (General) Regulations, 1952, and shall come into force on the first day of April, 1952.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, namely :—

" the Act " means the Mineral Workings Act, 1951 ;

" the Minister " means the Minister of Housing and Local Government ;

" made in the manner generally prescribed " in relation to the making of any return, application or claim under these regulations means submitted to the Minister in writing on the appropriate form issued by him for the purpose, and signed by the operator or, where the operator is a body corporate, by a person authorised by the corporation in that behalf ;

(a) 14 & 15 Geo. 6. c. 60.

" restoration work " means any such work as is mentioned in subsection (1) of Section 9 of the Act, being work required by conditions of a planning permission.

(2) The Interpretation Act, 1889(**a**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Formula for estimating weight of ironstone before calcination

3. For the purpose of calculating the amount payable under Section 3 of the Act by way of contribution in respect of ironstone which is calcined on the site before weighing, the weight of such ironstone before calcination shall be taken to be one and one third times its weight after calcination.

Returns of ironstone extracted

4.—(1) The return of extracted ironstone required under Section 4 of the Act shall be made in the manner generally prescribed, separately in respect of each quarry from which ironstone has been extracted by opencast operations during the period to which the return relates, or, where ironstone from a group of quarries is calcined together before weighing, separately in respect of each such group, specifying the quarries in the group.

(2) The return shall show in separate categories—

(*a*) the weight of ironstone (if any) in respect of which contributions under Section 3 of the Act are payable at the rate of one penny and one-eighth per ton, subdivided as appropriate into—

(i) ironstone to which the Mineral Development Charge Set-Off Regulations, 1951(**b**), do not apply ;

(ii) ironstone to which the said Regulations do apply, but to which Section 6 of the Act does not apply because the ironstone was subject immediately before the fifteenth day of February, 1951, to a full restoring lease ;

(iii) ironstone to which the said Regulations do apply, but to which Section 6 of the Act does not, by virtue of an Order made under Section 7 of the Act, apply ; and

(*b*) the weight of ironstone (if any) in respect of which contributions under Section 3 of the Act are payable, by virtue of Section 6, at the rate of twopence farthing per ton ;

and shall further show separately under each heading any ironstone calcined on the site before weighing, stating its actual weight and its estimated weight before calcination ascertained in accordance with the last foregoing regulation.

Determination of rates of payments to operators

5.—(1) An application for the determination under Section 10 of the Act of the rate of payments to be made to an operator in respect of any work, and an application for the determination of a revised rate under Section 11 of the Act, shall be made in duplicate in the manner generally prescribed, and, in the case of an application for a determination under Section 10, shall be accompanied by a map (also in duplicate) showing the land to which the application relates.

(**a**) 52 & 53 Vict. c. 63. (**b**) S.I. 1951/2156; 1951 II, p. 784.

(2) An application for the determination of a rate under Section 10 of the Act shall include the following information :—

(*a*) the acreage of the land to which the application relates ;

(*b*) a description of the restoration work to which the application refers ;

(*c*) if excavation of the land for the purpose of extracting ironstone has not begun, the date on which it is expected to begin ;

(*d*) details of the nature and depth of the strata overlying the ironstone (hereinafter called " the overburden "), including the location of, and results obtained from, any boreholes made for the purpose of ascertaining such details ;

(*e*) details of the plant and machinery used or proposed to be used for moving the overburden, and of any additional plant and machinery used or proposed to be used for carrying out the restoration work ;

(*f*) the applicant's estimate of the average cost per acre of carrying out the restoration work to which the application refers (excluding so much, if any, of the cost as would be attributable to the carrying out of work necessary, apart from any conditions of the planning permission, for the purpose of extracting ironstone or of disposing of materials excavated for that purpose), with details showing how the estimate is made up.

(3) An application for the determination of a revised rate under Section 11 of the Act shall include the following information:—

(*a*) a description sufficient to identify the land to which the application relates, and the acreage of the land ;

(*b*) a statement of the circumstances (not known or foreseen when the rate was last determined) which in the opinion of the applicant justify revision of the rate ;

(*c*) a description of the restoration work to which the application refers, and a statement showing whether and in what respect it differs in any material particular from that work as described for the purpose of the last determination of a rate ;

(*d*) the applicant's revised estimate of the average cost per acre of carrying out the restoration work to which the application refers, with details showing how the estimate is made up ;

(*e*) the date from which the revision should, in the opinion of the applicant, take effect.

(4) Application may be made:—

(*a*) for the determination of a rate under Section 10 of the Act, either before or after excavation of the land begins, but not earlier than six months before the date required by paragraph (2) (*c*) of this regulation to be specified in the application ;

(*b*) for the determination of a revised rate under Section 11, at any time within a period beginning six months after the date on which the restoration work for which a revised rate is required began, and ending on the date on which that work is completed.

Representations with respect to the provisional determination of a rate

6. Any representation which an applicant desires to make under subsection (5) of Section 10 of the Act with respect to the provisional determination of a rate under Section 10 or of a revised rate under Section 11 of the Act shall contain a full statement of the grounds on which it is made, and shall be submitted in writing to the Minister within two months of the receipt of the provisional determination to which it relates.

Claims for payment of sums due to operators

7. A claim by an operator for a payment under Section 12 of the Act shall be made in the manner generally prescribed, shall include a certificate that the restoration work in respect of which the claim is made has been carried out, and shall be accompanied by a map defining the land to which the claim relates.

Dated this seventeenth day of March, 1952.

Given under the Official Seal of the Minister of Housing and Local Government.

Harold Macmillan,
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of these Regulations, but is intended to indicate their general purport.)

Under the Mineral Workings Act, 1951, a fund, to be known as the Ironstone Restoration Fund, is established for the purpose of financing the restoration of land used for the working of ironstone by opencast operations. These Regulations are concerned with the making of payments to and from that fund. Section 3 of the Act imposes on operators an obligation to pay into the fund contributions assessed on the tonnage of extracted ironstone in its crude state before calcination, and provides that the relevant tonnage of any ironstone which is not weighed until after calcination shall be estimated by reference to the weight after calcination in accordance with such formula as may be prescribed by regulations. Regulation 3 prescribes the formula. The remaining four regulations are of a procedural character. They deal respectively with returns of extracted ironstone which have to be made to the Minister under Section 4, applications for the determination of rates of payments from the fund to be made to operators under Sections 10 and 11, representations with respect to the provisional determination of such rates by the Minister, and claims by operators for payments from the fund under Section 12 of the Act.