CHAPTER 60

Mineral Workings Act, 1951

ARRANGEMENT OF SECTIONS

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SCHEDULES:
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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.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

The Ironstone District and the Ironstone Restoration Fund

The ironstone district.

1.—(1) In this Act "the ironstone district" means the areas set out in the First Schedule to this Act, including any county borough comprised in any such area.

(2) The Minister may by order direct that the said First Schedule shall have effect as if there were included therein any

other area specified in the order; and any such order may direct that, in relation to the area so specified, this Act shall have effect as if for any reference to the twenty-fifth day of July, nineteen hundred and fifty, the fifteenth day of February, the thirtieth day of June or the first day of July, nineteen hundred and fifty-one, or the thirty-first day of March, nineteen hundred and fifty-two, or to the commencement of this Act, there were substituted a reference to such later date (whether earlier than the date of the order or not) as may be specified in the order, or to the coming into operation of the order, as the case may be.

(3) An order under this section shall be of no effect unless it is approved by resolution of each House of Parliament.

(4) The power to make orders under this section shall include power to revoke or vary any such order by a subsequent order.

The ironstone restoration fund.

2.—(1) For the purposes of this Act, there shall be established under the control of the Minister a fund, to be known as the Ironstone Restoration Fund.

(2) Except as otherwise expressly provided by this Act, all sums received by the Minister under this Act shall be paid into the fund, and all sums paid by him thereunder shall be defrayed out of the fund.

(3) Any moneys forming part of the fund may from time to time be paid over to the National Debt Commissioners and by them invested, in accordance with such directions as may be given by the Treasury, in any securities which are for the time being authorised by Parliament as investments for savings banks funds; and the National Debt Commissioners shall present to Parliament annually an account of the securities in which moneys forming part of the fund are for the time being invested.

(4) For the purpose of enabling him to defray out of the fund any expenses required by this Act to be so defrayed, the Minister may, out of moneys provided by Parliament, make to the fund advances of such amounts as he may with the consent of the Treasury determine; and any advances so made shall be repaid by the Minister into the Exchequer, together with interest thereon at such rate as the Treasury may determine, at such times as the Treasury may direct.

(5) The Minister shall prepare, in such form and manner as the Treasury may direct, an account of all sums paid into and defrayed out of the fund in each financial year; and every such account shall, on or before the thirtieth day of November next following the expiration of the financial year to which it relates,

be submitted to the Comptroller and Auditor General, who shall examine and certify the account and lay copies of it, together with his report, before each House of Parliament.

Contributions to the fund and payments to operators

Contributions from ironstone operators.

3.—(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.

Returns by operators and payment of contributions.

4.—(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.

(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.

Contributions from ironstone owners.

5.—(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 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.

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

6.—(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;

(*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).

Land held on charitable trusts.

7.—(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.

Exchequer contributions.

8.—(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.

Payments to operators from the fund.

9.—(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 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.

Determination of rates of payments to operators.

10.—(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 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.

Variation of rates of payments to operators.

11.—(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.

Payments of sums due to operators.

12.—(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 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.

Work in progress since 25th July, 1950.

13.—(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.

Development charge in respect of ironstone workings.

14.—(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 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.

Provisions relating to Iron and Steel Corporation.

15.—(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.

Reclamation of ironstone land

Powers of local authorities.

16.—(1) Subject to the provisions of this section, any local authority whose area is comprised in the ironstone district may carry out any works for levelling any worked ironstone land or for rendering such land suitable for use for forestry or agriculture or any other purpose (whether similar to the purposes aforesaid or not) or may plant trees or carry out other works for the purpose of restoring or improving the appearance of any such land or of screening it from view; and any such works may be carried out either on the worked ironstone land or, so far as required for the purposes aforesaid, on neighbouring land.

(2) The powers conferred by this section may be exercised by a local authority either on land belonging to them (including land acquired by them for the purpose under section seventeen of this Act) or, with the consent of all persons interested therein, on other land; and in relation to such other land the said powers shall include power to make arrangements under which the works are carried out, on such terms as may be provided under the arrangements, by a person other than the local authority.

(3) Where the powers of a local authority under this section are exercised in relation to land not belonging to the authority, the management of the land, so far as it relates to works carried out by the authority, may be undertaken either by the authority or by a person interested in the land, as may be agreed upon between the authority and the persons so interested, and on such terms as may be so agreed upon.

(4) Nothing in this section shall authorise the doing of anything in contravention of any prohibition or restriction having effect under any enactment or rule of law.

(5) A local authority shall not carry out or make arrangements for the carrying out of any works under this section on land outside the area of that authority except with the consent—

(*a*) in the case of land in a county borough, of the council of the borough;

(*b*) in the case of land in a county district, of the council of the district and the council of the county in which the district is comprised.

Acquisition of land by local authorities.

17.—(1) Subject to the provisions of this section, a local authority may acquire by agreement or compulsorily any land which they require for the purposes of carrying out any works authorised by the last foregoing section, or for the purpose of providing permanent access to such land.

(2) The power of a local authority to acquire land by agreement under this section shall be exercisable only with the consent of the Minister; and in relation to any such acquisition the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845) shall be incorporated with this section, and in construing those Acts as so incorporated—

(*a*) this section shall be deemed to be the special Act; and

(*b*) references to the promoters of the undertaking shall be construed as references to the local authority authorised to acquire the land under this section.

(3) The power of a local authority to acquire land compulsorily under this section shall be exercisable only upon the local authority being authorised in that behalf by the Minister; and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to any such acquisition as if this section had been in force immediately before the commencement of that Act.

(4) Section thirty-nine of the principal Act (which confers power to expedite the completion of a compulsory purchase under an order under section thirty-eight of that Act) shall apply to a compulsory purchase order made by virtue of this section as it applies to an order made by virtue of the said section thirty-eight.

Grants for levelling, etc.

18.—(1) Subject to such conditions as the Treasury may determine, any local authority shall be entitled to receive from the Minister a sum equal to any expenditure incurred by that authority, being—

(*a*) expenditure incurred with the approval of the Minister in carrying out works authorised by section sixteen of this Act;

(*b*) expenditure incurred in making payments in respect of the carrying out of such works as aforesaid in accordance with the arrangements made by the authority with the approval of the Minister under the said section sixteen;

(*c*) expenditure incurred in acquiring land under section seventeen of this Act.

(2) Where an operator carries out on or in relation to worked ironstone land any such works as are authorised by the said section sixteen to be carried out by a local authority (not being

such work as is mentioned in subsection (1) of section nine of this Act) then, subject to such conditions as the Treasury may determine, the Minister may, if he thinks fit, pay to the operator a sum equal to any expenditure incurred with the approval of the Minister in carrying out those works.

(3) No payment shall be made to a local authority under paragraph (*b*) of subsection (1) of this section on account of expenditure incurred in accordance with such arrangements as are mentioned in that paragraph unless provision is made by those arrangements for securing that the payments made by that authority thereunder do not exceed the amount by which the expenditure in carrying out work on the land to which the arrangements relate exceeds any increase in the capital value of the land attributable to the carrying out of the work.

(4) No payment shall be made by the Minister under this section in respect of any expenditure upon work in respect of which a grant is paid by the Forestry Commissioners under the Forestry Act, 1919.

Disposal of land acquired by local authorities.

19.—(1) Subject to the following provisions of this section, section nineteen of the Town and Country Planning Act, 1944 (which, as amended by the principal Act, provides for the disposal and appropriation by local authorities of land acquired under section thirty-eight or section forty of the principal Act) shall apply in relation to land acquired by a local authority under section seventeen of this Act as it applies to land acquired under the said section thirty-eight or section forty.

(2) Subsections (5) to (8) of the said section nineteen (which restrict the disposal of land in certain cases) shall not apply to land acquired by a local authority under section seventeen of this Act; but the local authority shall, if so required by the Minister, offer to dispose of the land for such interest, upon such terms and subject to such conditions as the Minister may direct, to the Minister of Agriculture and Fisheries or any person nominated by that Minister who is willing to take it for that interest, upon those terms and subject to those conditions.

(3) Any payment made to a local authority under section eighteen of this Act in respect of any such land as aforesaid may be made subject to arrangements for securing that the local authority will, upon the disposal or appropriation of the land, repay to the Minister such sum as may be determined in accordance with the arrangements, not exceeding the amount of the consideration received by the authority in respect of the disposal, or the value of the land as determined for the purposes of any adjustment of the accounts of the authority under section one hundred and sixty-three of the Local Government Act, 1933, in consequence of the appropriation, as the case may be.

(4) Any land disposed of to the Minister of Agriculture and Fisheries in accordance with this section shall be deemed to have been acquired by him under the Agriculture Act, 1947, or the Forestry Act, 1945, according as that Minister may direct.

Powers of Minister of Agriculture and Fisheries.

20.—(1) If in the case of any worked ironstone land within the ironstone district, being agricultural land within the meaning of the Agriculture Act, 1947, it appears to the Minister of Agriculture and Fisheries that special steps for the management or farming of the land are needed in order to bring it to a good state of cultivation and fertility, he may for that purpose make arrangements—

(*a*) in respect of the management of the land, with the owner;

(*b*) in respect of the farming of the land, with the occupier,

in accordance with the following provisions of this section.

(2) Arrangements made with any person under this section in respect of any land may provide—

(*a*) for the management or farming, as the case may be, of the land by that person in accordance with such instructions as may from time to time be given by the said Minister;

(*b*) for the payment by the said Minister of such grants as are authorised by the following provisions of this section in respect of expenditure incurred or to be incurred in pursuance of the arrangements;

(*c*) for restricting the right of that person to dispose of his interest in the land;

(*d*) for authorising the said Minister to enter upon and inspect the land for the purpose of ascertaining whether instructions given in pursuance of the arrangements are complied with;

(*e*) for any other purpose connected with the management or farming of the land, as the case may be.

(3) Subject to any directions of the Treasury, arrangements made under this section may provide for the payment of annual grants for such number of years and at such rate as the Minister of Agriculture and Fisheries may from time to time determine in accordance with the arrangements.

(4) Where any worked ironstone land within the ironstone district has been acquired by the Minister of Agriculture and Fisheries under any enactment, any lease of the land granted by or on behalf of that Minister may contain provision for any purpose for which provision may be made by arrangements under this section.

(5) In this section "owner" in relation to land, has the same meaning as in Part II of the Agriculture Act, 1947, and subsections (1) and (2) of section twenty-one of that Act shall accordingly have effect as if references therein to the said Part II included references to this section.

Supplementary provisions as to arrangements under s. 20.

21.—(1) Paragraphs 1 and 4 of the Second Schedule to the Agriculture Act, 1947 (which confer protection in respect of things done in compliance with directions of the Minister of Agriculture and Fisheries under that Act) shall apply to anything done in pursuance of arrangements made under section twenty of this Act as they apply to things done in compliance with directions under section fourteen of that Act.

(2) Section eleven of the Agricultural Holdings Act, 1948 (which confers on the tenant of an agricultural holding certain rights in respect of the disposal of produce and the cropping of arable land notwithstanding any custom, contract of tenancy or agreement) shall not apply to anything done in contravention of arrangements made under section twenty of this Act or of any provision included in a lease thereunder.

(3) Where any person to whom grants may be paid in pursuance of arrangements made under section twenty of this Act or of provisions included in a lease thereunder has failed to comply to the satisfaction of the Minister of Agriculture and Fisheries with any of his obligations under the arrangements or provisions, that Minister may, notwithstanding anything in that section or any such arrangements or provisions as aforesaid, withhold the whole or any part of the sums which would otherwise be payable to that person in respect of the management or farming of the land at any previous time.

Determination of tenancies.

22.—(1) Where it is certified by the Minister of Agriculture and Fisheries that the tenant of an agricultural holding within the meaning of the Agricultural Holdings Act, 1948, has failed to comply to the satisfaction of that Minister with arrangements made under section twenty of this Act in respect of any land comprised in the holding, the landlord may by notice determine the tenancy, so far as it relates to that land, as from such date, not being earlier than three months from the service of the notice, as may be specified therein; and any such notice shall have effect notwithstanding anything in the contract of tenancy.

(2) The provisions of subsection (1) of this section shall apply in relation to a holding of which the Minister of Agriculture and Fisheries is the landlord as if for the reference to arrangements made under section twenty of this Act there were substituted a reference to provisions included in the lease under that section.

(3) A notice under this section shall not be deemed to be a notice to quit for the purposes of the Agricultural Holdings Act, 1948, and no compensation for disturbance shall be payable to the tenant under that Act on the termination of the tenancy of a holding, or any part of a holding, by virtue of such a notice.

(4) Where the tenancy of part of a holding is determined by a notice under this section—

(*a*) the provisions of the Agricultural Holdings Act, 1948, relating to compensation, shall (subject to the provisions of subsection (3) of this section) apply as if the part to which the notice relates were a separate holding; and

(*b*) the tenant shall be entitled to a reduction of rent proportionate to the part to which the notice relates and the amount of that reduction shall in default of agreement be settled by arbitration under the Agricultural Holdings Act, 1948.

(5) Where after the date specified in a notice under this section the tenant of any land to which the notice relates remains in possession of the land, the landlord may make a complaint to a court of summary jurisdiction, and thereupon the court shall by its warrant (which shall, subject to the necessary modifications, be in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect) order vacant possession of the land to be given to the landlord forthwith.

(6) Where the Minister of Agriculture and Fisheries proposes to issue a certificate under subsection (1) of this section in the case of a tenant, he shall, in accordance with regulations made by that Minister under this section, afford to the tenant—

(*a*) an opportunity of making representations in writing against the proposal to that Minister;

(*b*) if the tenant so requires, an opportunity of being heard by a person or persons appointed for the purpose by that Minister,

and consider any representations made by the tenant in accordance with the regulations, and any recommendations made by a person or persons appointed as aforesaid for the purpose of hearing the tenant.

Compulsory acquisition for purposes of agriculture.

23.—(1) Subject to the provisions of this section, the Minister of Agriculture and Fisheries may, under subsection (1) of section eighty-four of the Agriculture Act, 1947, acquire compulsorily—

(*a*) any worked ironstone land within the ironstone district which the said Minister considers it expedient to acquire in order to secure that it is brought to a good state of cultivation and fertility;

(*b*) any land which the said Minister requires for providing permanent access to such land,

whether or not the conditions specified in paragraphs (*a*) to (*c*) of that subsection are complied with.

(2) Where any such land as aforesaid is or has been the subject of arrangements under section twenty of this Act—

(*a*) the period for which the land may be hired compulsorily under the said section eighty-four shall be computed from the date on which such arrangements were first made; and

(*b*) the power of the said Minister to acquire the land compulsorily by virtue of this section shall not be exercisable after the expiration of that period.

(3) Regulations made under section ninety-three of the Agriculture Act, 1947, with respect to the compulsory hiring of any such land as aforesaid—

(*a*) shall provide that any sums paid or payable out of the fund under section forty of this Act in respect of expenses incurred by the Minister of Agriculture and Fisheries in carrying out any improvement to the land shall be taken into account in assessing any compensation payable to him under the Agricultural Holdings Act, 1948, in respect of that improvement;

(*b*) may provide that subsection (1) of section forty-nine of the Agricultural Holdings Act, 1948 (which excludes compensation in respect of certain improvements unless they are carried out with the consent of the landlord) shall not apply to improvements specified in Part II of the Third Schedule to that Act which are carried out on the land during the term of the compulsory hiring.

(4) Any expenses incurred by the Minister of Agriculture and Fisheries under this section shall be defrayed out of moneys provided by Parliament.

Determination of tenancies after restoration of fertility.

24. Where a lease of worked ironstone land within the ironstone district granted to the Minister of Agriculture and Fisheries confers on that Minister an option to determine the lease after the land has been brought to a good state of cultivation and fertility, sections twenty-four to twenty-six of the Agricultural Holdings Act, 1948 (which impose restrictions on the operation of notices to quit) shall not apply to a notice to quit given by that Minister to a tenant of his in respect of the land if—

(*a*) the notice is expressed to be given for the purpose of enabling that Minister to exercise the said option; and

(*b*) the notice terminates the tenancy at the expiration of a period of five years, or any multiple of five years, from the commencement of the tenancy.

Afforestation.

25.—(1) In the case of worked ironstone land within the ironstone district, the power of the Forestry Commissioners to make grants for afforestation under subsection (3) of section three of the Forestry Act, 1919, shall include power to make grants at such rate as may from time to time be agreed upon between the Minister of Agriculture and Fisheries and the Minister of Local Government and Planning with the consent of the Treasury.

(2) The proviso to subsection (3) of section four of the Forestry Act, 1945 (which provides that where an order under that section for the compulsory acquisition of land is objected to the order shall be provisional only) shall not apply to an order under that section for the acquisition of such worked ironstone land.

Acquisition of easement instead of land in certain cases.

26. A compulsory purchase order under section seventeen or section twenty-three of this Act may, in lieu of authorising the compulsory purchase of land required by a local authority or by the Minister of Agriculture and Fisheries, as the case may be, for providing access to any other land, authorise that authority or Minister to acquire compulsorily, subject to such conditions as may be prescribed by the order, any easement or right over the land which the authority or Minister require as aforesaid; and those sections, and any enactment applicable to a compulsory purchase of land thereunder, shall have effect accordingly.

Default powers of Minister.

27.—(1) Subject to the provisions of this section, if the Minister is satisfied that any local authority—

(*a*) have failed to carry out on land belonging to them any such works as are authorised by section sixteen of this Act, being works which in the opinion of the Minister ought to be carried out; or

(*b*) have failed to take steps for the acquisition of any land which in the opinion of the Minister ought to be acquired by that authority under section seventeen of this Act,

the Minister may by order require that authority to take such steps as may be specified in the order for carrying out the work or for acquiring the land, as the case may be.

(2) If the Minister is satisfied in the case of any land not belonging to a local authority—

(*a*) that a person having a sufficient interest in the land is willing to make arrangements with the local authority under subsection (2) of section sixteen of this Act for the carrying out of any such works as are authorised by that section, being works which in the opinion of the Minister ought to be carried out; and

(*b*) that all persons interested in the land consent to the carrying out of the works, but the local authority have refused to make such arrangements, or to make such arrangements upon reasonable terms,

the Minister may make those arrangements on behalf of the local authority; and for the purposes of this Act those arrangements shall be deemed to have been made by the local authority with the approval of the Minister under the said section sixteen.

(3) No order or arrangements shall be made by the Minister under this section except after consultation with the local authority concerned, and with any other local authority whose area comprises the land affected by the order or arrangements.

(4) Any order under this section shall be enforceable, on the application of the Minister, by mandamus.

Modification of payments in lieu of restoration under ironstone leases.

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

(*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

Mineral development charge set-off.

29.—(1) The powers conferred by section eighty-one of the principal Act (which enables the Minister with the consent of the Treasury to make regulations for modifying that Act in its application to development consisting of the winning and working of minerals) shall include power to make regulations for securing that in the case of such minerals as may be prescribed or determined by or under the regulations (being minerals an interest in which belonged on the appointed day to a person engaged in the development of minerals or treated for the purposes of the regulations as so engaged) the development charge payable under Part VII of that Act in respect of any winning and working of the minerals shall be set off against the payments falling to be made in respect of interests therein under the scheme to be made under section fifty-eight of that Act.

(2) In the case of any interest in land consisting of or comprising minerals to which the regulations made in accordance with this section apply, the scheme to be made under the said section fifty-eight shall provide for a payment equal to such part of the development value of that interest as may be determined under the said regulations to be attributable to the prospects of development of those minerals, but without prejudice to the provisions of the regulations with respect to the satisfaction of such payments, or to the inclusion in that scheme of provision for a further payment in respect of any such interest in so far as its development value is not determined to be attributable as aforesaid.

(3) Without prejudice to the generality of the powers conferred by the said section eighty-one, the regulations made in accordance with this section may contain provision—

(*a*) for applying the regulations to minerals, except in such cases as may be prescribed by the regulations, notwithstanding that the ownership of an interest in the minerals has been severed from the right to receive a payment under the said section fifty-eight, and for regulating the devolution of the right to receive any such payment;

(*b*) for requiring payments under the said section fifty-eight in respect of interests in minerals to which the regulations apply to be withheld until satisfied by set-off against development charge or otherwise in pursuance of the regulations, and for excluding, in relation to such payments so far as set off against development charge, the provisions of sections sixty-five to sixty-eight of the principal Act (which relate to the satisfaction of payments under the said section fifty-eight and the payment of interest thereon);

(*c*) for regulating the amount of the development charge payable in respect of any development of minerals to which the regulations apply or of land comprising such minerals and the method of determining any such charge;

(*d*) for requiring the Central Land Board to make payments out of moneys provided by Parliament of such amount and subject to such conditions as may be prescribed by the regulations in respect of expenditure incurred in complying with conditions of a planning permission for any such development as aforesaid;

(*e*) for the determination of questions arising under the regulations;

(*f*) for any purpose for which provision is authorised to be made by the regulations by virtue of any provision of this Act other than this section;

(*g*) for any purpose incidental to or consequential on the purposes specified in this section.

(4) In the application of this section to Scotland, for references to section fifty-eight, to sections sixty-five to sixty-eight, to section eighty-one, and to Part VII of the principal Act there shall be substituted respectively references to section fifty-five, to sections sixty-two to sixty-five, to section seventy-eight, and to Part VI of the Town and Country Planning (Scotland) Act, 1947.

(5) Regulations made by virtue of this section may apply to any minerals belonging to His Majesty in right of the Duchy of Lancaster, or to the Duchy of Cornwall, in respect of which arrangements under subsection (2) of section eighty-eight of the principal Act are in force; and references in this section to development charge shall be construed as including references to sums payable in pursuance of such arrangements in substitution for development charge.

Modification of leases granted before 1st July, 1948.

30.—(1) The Lands Tribunal may, upon application made to them within the prescribed period by any party to a mining lease made before the appointed day, by order modify the provisions of the lease so far as may be required in order to secure

that the sums payable thereunder by the lessee in respect of any period after the thirtieth day of June, nineteen hundred and fifty-one, do not exceed such sums as in the opinion of the Tribunal would be fair and reasonable as between the parties if the lease had been granted on the appointed day for the term then unexpired and otherwise upon the terms and subject to the covenants and conditions contained therein.

(2) In determining for the purposes of subsection (1) of this section the sums which would be payable under a lease granted as mentioned in that subsection—

(*a*) no account shall be taken of any value attributable to the grant of planning permission for development of the minerals or to the prospect of such permission being granted;

(*b*) regard shall be had to any liability of the lessee to make payments (other than tonnage royalties) under the lease in excess of the value of the minerals which he could reasonably be expected to work after the said thirtieth day of June.

(3) Where an order is made under this section in respect of a mining lease, any sums paid under the lease by the lessee in respect of any period after the thirtieth day of June, nineteen hundred and fifty-one, and before the making of the order shall, to the extent that they exceed the sums payable in accordance with the lease as modified by the order, be recoverable as money had and received by the person to whom it was paid to the use of the plaintiff.

(4) In determining the development value of any interest in land for the purposes of the scheme to be made under section fifty-eight of the principal Act, no account shall be taken of the provisions of this section; but the said scheme shall provide—

(*a*) for transferring to the person entitled to receive any payment thereunder in respect of the interest expectant on the determination of any lease in respect of which an order has been or may be made under this section, or who would be so entitled if such a payment fell to be made, such part (if any) of any payment thereunder in respect of the lease as may be prescribed by the scheme;

(*b*) for the determination by the Lands Tribunal of questions as to the amount of any such payment to be so transferred.

(5) An order under this section may, with the consent of the appropriate authority as defined by section eighty-seven of the principal Act, be made in respect of a mining lease comprising any minerals belonging to His Majesty in right of the Duchy of

Lancaster, or to the Duchy of Cornwall, being minerals in respect of which arrangements under subsection (2) of section eighty-eight of that Act are in force.

(6) Regulations made by virtue of section twenty-nine of this Act may direct that in relation to leases of minerals to which the regulations apply this section shall apply to such extent, in such cases and subject to such additions and modifications as may be prescribed by the regulations; but except as aforesaid the provisions of this section shall not apply in relation to such a lease.

(7) The provisions of this section shall apply in relation to an order made under Part I of the Mines (Working Facilities and Support) Act, 1923, as they apply in relation to a mining lease, but as if for references to the Lands Tribunal there were substituted references to the High Court.

(8) In the application of this section to Scotland, there shall be substituted for the reference to money had and received to the use of the plaintiff a reference to a debt due to the person by whom the sums were paid; for the reference to the interest expectant on the determination of any lease there shall be substituted a reference to the interest of the landlord in property subject to any lease; and for the reference to section fifty-eight of the principal Act there shall be substituted a reference to section fifty-five of the Town and Country Planning (Scotland) Act, 1947.

Minerals of National Coal Board.

31.—(1) Section thirty of this Act shall not apply in relation to a mining lease granted by the National Coal Board in respect of land to which the provisions of the principal Act relating to operational land of statutory undertakers apply by virtue of regulations made under section ninety of that Act.

(2) Notwithstanding anything in section eighty-one of the principal Act (which provides for the application of that Act to mineral development subject to adaptations and modifications to be prescribed by regulations made thereunder) or in any regulations so made before the commencement of this Act, the provisions of that section and of any such regulations shall apply, and shall be deemed always to have applied, in relation to development consisting of the winning and working of minerals vested in the National Coal Board other than development of land to which the provisions of the principal Act relating to operational land of statutory undertakers apply by virtue of regulations made under section ninety of that Act.

(3) For the purposes of the application during any period before the commencement of this Act of the said section eighty-one and regulations made thereunder, the regulations in force under the said section ninety at the commencement of this Act shall be deemed to have been in force at all material times.

(4) In the application of this section to Scotland, for references to section eighty-one and to section ninety of the principal Act there shall be substituted respectively references to section seventy-eight and to section eighty-six of the Town and Country Planning (Scotland) Act, 1947.

Temporary stopping up of highways.

32.—(1) An order made by the Minister of Transport under section forty-nine of the principal Act for the stopping up or diversion of a highway may, where the said Minister is satisfied—

(*a*) that the order is required for the purpose of enabling minerals to be worked by surface working; and

(*b*) that the highway 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 highway during such period as may be prescribed by or under the order, and for its restoration at the expiration of that period.

(2) Without prejudice to the provisions of the said section forty-nine 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 Minister of Transport 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 highway during the period prescribed by or under the order a corresponding liability in respect of any highway provided in pursuance of the order;

(*b*) for the stopping up at the expiration of the said period of any highway provided as aforesaid and for the reconstruction and maintenance of the original highway;

and any provision included in the order in accordance with subsection (4) of the said section forty-nine 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 highway which is stopped up or diverted by virtue of an order under the said section forty-nine, section twenty-five of the Town and Country Planning Act, 1944 (which relates to the extinguishment of rights belonging to statutory undertakers in respect of apparatus in land acquired by a purchasing authority under Part IV of the principal Act) 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 highway subsisted and to the person entitled to possession of that land; and

(*b*) as if references in subsection (4) to a local authority or statutory undertakers included references to any person (other than a Minister or the Central Land Board) who is entitled to possession as aforesaid,

and sections twenty-six and twenty-seven of the said Act of 1944 shall have effect accordingly.

(4) In the application of this section to Scotland, for references to section forty-nine of the principal Act there shall be substituted references to section forty-six of the Town and Country Planning (Scotland) Act, 1947, and the following subsection shall be substituted for subsection (3):—

"(3) In relation to any highway which is stopped up or diverted by virtue of an order under the said section forty-six, section twenty-four of the Town and Country Planning (Scotland) Act, 1945 (which relates to the extinguishment of rights belonging to statutory undertakers in respect of apparatus in land acquired by a purchasing authority under Part III of the Town and Country Planning (Scotland) Act, 1947) 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 highway subsisted and to the person entitled to possession of that land; and

(*b*) as if the references in subsection (4) to a local planning authority or statutory undertaker included references to any person (other than a Minister or the Central Land Board) who is entitled to possession as aforesaid,

and sections twenty-five and twenty-six of the said Act of 1945 shall have effect accordingly."

Supplementary provisions

Offences.

33.—(1) If any person fails without reasonable excuse to make any return, or to furnish any information, which he is required to make or furnish under this Act, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds; and if being convicted of an offence under this subsection he continues to make the like default, he shall

be guilty of a further offence and liable on summary conviction to a fine not exceeding five pounds for each day on which the default continues after the first mentioned conviction.

(2) If any person, for the purpose of obtaining a payment under this Act or of evading payment of any sum by way of contributions thereunder, knowingly makes any false statement or false representation, or produces or furnishes or causes or knowingly allows to be produced or furnished any document or information which he knows to be false in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both.

(3) If any person discloses any information relating to any particular undertaking which has been furnished to or obtained by him in pursuance of this Act, he shall, unless the disclosure is made—

(*a*) with the consent of the person carrying on that undertaking; or

(*b*) in connection with the execution of this Act; or

(*c*) for the purposes of any proceedings under this Act or of any criminal proceedings arising out of this Act, or of any report of such proceedings,

be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both.

(4) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Nothing in this section shall be construed as preventing the Minister from recovering by means of civil proceedings any sums due to him on account of the fund.

Advisory Committee on Ironstone Restoration.

34.—(1) For the purpose of advising the Minister on questions referred to them under this section, the Minister shall appoint a Committee, to be known as the Advisory Committee on Ironstone Restoration, consisting of such number of members as the Minister may from time to time determine.

(2) The chairman and other members of the Advisory Committee on Ironstone Restoration shall be appointed by the Minister, and shall hold and vacate office in accordance with the terms of the instrument by which they are appointed.

(3) The Minister may refer to the Advisory Committee on Ironstone Restoration any question arising in connection with the determination of payments to be made to operators under section nine of this Act, or of the standard rate within the meaning of that section, or any other question connected with functions of the Minister in respect of the restoration of worked ironstone land, whether exercisable under this Act or otherwise.

(4) The Minister may pay to the members of the Advisory Committee on Ironstone Restoration such remuneration or allowances as he may with the consent of the Treasury determine.

Notices.

35. Section one hundred and five of the principal Act (which relates to the service of notices under that Act) shall apply to any notice required or authorised to be served under this Act.

Powers of entry.

36.—(1) Any person duly authorised in writing by the Minister may, at any reasonable time—

(*a*) for the purpose of inspecting any accounts or records which an operator has failed to produce in accordance with a requirement under subsection (2) of section four of this Act or of obtaining any information which an operator has failed to furnish in accordance with such a requirement, enter upon any land under the control of the operator;

(*b*) for the purposes of the making of any determination under section ten of this Act, or of the variation of any such determination, or of the verification of any claim made by an operator under section twelve of this Act, enter on any land to which the determination or claim relates.

(2) Any person duly authorised in writing by a local planning authority may, at any reasonable time, enter upon any land for the purposes of the verification, at the request of the Minister, of any such claim as is mentioned in paragraph (*b*) of subsection (1) of this section relating to the land.

(3) Any person duly authorised in writing by the Minister of Agriculture and Fisheries or by a local authority may, at any reasonable time, enter upon any land for purposes connected with the carrying out on neighbouring land, being worked ironstone land, of any works which the Minister of Agriculture and Fisheries or local authority have power to carry out under any enactment (including this Act) and may deposit on any land so entered upon any machinery or materials used or to be used in connection with the works and remove from the land any machinery or materials so deposited.

(4) Any person duly authorised in writing by a local authority may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with any

proposal to acquire that or any other land under this Act, or in connection with any claim for compensation in respect of any such acquisition.

Provisions supplementary to s. 36.

37.—(1) Subsections (4), (5), (6) and (9) of section one hundred and three of the principal Act (which contain supplementary provisions relating to the powers of entry conferred by that section) shall apply in relation to any power to enter on land conferred by section thirty-six of this Act as they apply in relation to the powers conferred by the said section one hundred and three, and the proviso to the said subsection (9) (which imposes certain restrictions in respect of the carrying out of works authorised by that subsection) shall have effect as so applied as if references to works authorised by that subsection included references to works authorised by subsection (3) of the said section thirty-six.

(2) Where in the exercise of any power to enter land conferred by section thirty-six of this Act any damage is caused to land or to chattels, any person interested in the land or chattels may recover compensation in respect of that damage from the Minister or local authority on whose behalf the power is exercised; and where in consequence of the exercise of any such power any person is disturbed in his enjoyment of any land or chattels, he may recover from the said Minister or local authority compensation in respect of the disturbance.

(3) Section one hundred and ten of the principal Act (which provides for the determination of disputes as to compensation under that Act) shall apply to any question of disputed compensation under this section.

(4) Any expenses of the Minister or the Minister of Agriculture and Fisheries in the payment of compensation under this section shall be defrayed out of moneys provided by Parliament.

Powers of new town corporations.

38.—(1) The following provisions shall have effect in relation to land within a new town area, that is to say:—

(*a*) the development corporation may, with the approval of the Minister, exercise in relation to any such land any of the powers conferred by section sixteen of this Act on a local authority;

(*b*) without prejudice to the provisions of subsection (5) of the said section sixteen, a local authority shall not carry out or make arrangements for the carrying out of any works under that section on such land except with the consent of the said corporation;

(*c*) the following provisions of this Act, that is to say, section twenty-seven (except paragraph (*b*) of subsection (1)), subsection (3) of section thirty-six and section thirty-seven, shall apply to the said corporation as if it were a local authority, and references in those provisions to a local authority and to the area of a local authority shall be construed accordingly; and

(*d*) any expenditure incurred by the said corporation in the exercise of powers conferred by this section, or in the payment of compensation thereunder, shall be defrayed out of the fund.

(2) In this section "new town area" and "development corporation" mean respectively an area designated under section one of the New Towns Act, 1946, as the site of a new town and the development corporation established for the purposes of that new town under section two of that Act.

Regulations.

39.—(1) Any power to make regulations under this Act, the power of the Minister to make orders under section one, section seven or section nine of this Act and the power of the Treasury to determine rates of interest under subsection (3) of section four of this Act, shall be exercisable by statutory instrument.

(2) Any statutory instrument containing an order made under section seven of this Act, or containing regulations made under this Act (other than regulations made by virtue of section twenty-nine of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament; and subsection (5) of section eighty-one of the principal Act (which provides that regulations made for the purposes of that section shall be of no effect unless approved by resolution of each House of Parliament) shall apply to regulations made by virtue of the said section twenty-nine.

(3) In the application of this section to Scotland, for the reference to subsection (5) of section eighty-one of the principal Act there shall be substituted a reference to subsection (5) of section seventy-eight of the Town and Country Planning (Scotland) Act, 1947.

Financial Provisions.

40.—(1) The Minister shall pay into the Exchequer out of the fund, at such times and in such manner as the Treasury may direct—

(*a*) such sums as the Minister and the Minister of Agriculture and Fisheries may respectively estimate in accordance with directions given by the Treasury to be equal to the amount of any administrative expenses incurred by them respectively under this Act in relation to ironstone and worked ironstone land (including any remuneration or allowances paid to the members of any

committee appointed or designated by the Minister under this Act);

(*b*) such sum as the Minister of Agriculture and Fisheries may estimate as aforesaid to be equal to the amount of any expenses incurred by him in the management of or farming of worked ironstone land within the ironstone district.

(2) The Minister shall pay into the Forestry Fund out of the fund, at such times and in such manner as the Treasury may direct—

(*a*) such sum as the Minister of Agriculture and Fisheries may estimate as aforesaid to be equal to the amount of any administrative expenses incurred by the Forestry Commissioners under this Act;

(*b*) a sum equal to the amount of any expenses incurred by those Commissioners in the payment of grants in accordance with subsection (1) of section twenty-five of this Act;

(*c*) such sum as the Minister of Agriculture and Fisheries may estimate as aforesaid to be equal to the amount of any expenses incurred by those Commissioners in the afforestation of worked ironstone land within the ironstone district acquired by the Minister of Agriculture and Fisheries under the Forestry Act, 1945.

(3) Any expenses of the Minister of Agriculture and Fisheries in the payment of grants under section twenty of this Act or in the payment of remuneration or allowances to any person or persons appointed by that Minister for the purposes of subsection (6) of section twenty-two of this Act shall be defrayed out of the fund.

(4) Subject to the provisions of subsections (1) and (2) of this section, any such expenses as are mentioned therein shall be defrayed, in the case of expenses of the Minister or the Minister of Agriculture and Fisheries out of moneys provided by Parliament, and in the case of expenses of the Forestry Commissioners out of the Forestry Fund.

(5) There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such moneys under Part I or Part II of the Local Government Act, 1948.

(6) Any expenses of the Minister of Transport under section thirty-two of this Act shall be defrayed in accordance with the provisions of section forty-nine of the principal Act or section forty-six of the Town and Country Planning (Scotland) Act, 1947, as the case may be.

41.—(1) In this Act, except where the contrary is provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say— Interpretation.

" the appointed day " means the day appointed by the Minister to be the appointed day for the purposes of the principal Act, that is to say, the first day of July, nineteen hundred and forty-eight;

" development value " has the same meaning as it has for the purposes of Part VI of the principal Act;

" full restoring lease " means a mining lease imposing on the lessee an obligation to restore to a condition suitable for the purposes of agriculture all land excavated under the lease in the course of winning and working ironstone by opencast operations and containing no provision for the payment of sums in lieu of compliance with that obligation in respect of any of the land or by way of liquidated damages for failure to comply with it;

" the fund " means the Ironstone Restoration Fund established under section two of this Act;

" the ironstone district " has the meaning assigned to it by section one of this Act;

" levelling ", in relation to worked ironstone land, includes the removal or redistribution of materials comprised therein, whether or not the original contours of the land are preserved, and any operations for consolidating the land after levelling;

" management ", in relation to land, includes provision, improvement, maintenance and repair of fixed equipment within the meaning of the Agriculture Act, 1947;

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

" operator " has the meaning assigned by section three of this Act;

" plant " includes machinery;

" prescribed " means prescribed by regulations made by the Minister;

" the principal Act " means the Town and Country Planning Act, 1947;

" royalty " (except in the expression " tonnage royalty ") includes a dead rent and any periodical or other payment for minerals got under a mining lease, and " tonnage royalty " means a royalty calculated by reference

to the amount of minerals so got from time to time, or of manufactured articles produced from such minerals, or by any similar method;

"ton" means a ton of two thousand two hundred and forty pounds;

"worked ironstone land" means land which has been excavated in the course of winning and working ironstone by opencast operations, and includes land on which materials extracted in the course of such operations have been deposited;

and (except as aforesaid) expressions defined in the principal Act have the same meanings as in that Act.

(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.

(3) In the application of this section to Scotland, for references to the principal Act (except in the definition of that expression) and to Part VI of that Act there shall be substituted references to the Town and Country Planning (Scotland) Act, 1947, and to Part V of that Act.

General application to Scotland.

42.—(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) For any reference to the Minister of Local Government and Planning (other than a reference in section forty of this Act) there shall be substituted a reference to the Secretary of State.

(4) For any reference to the High Court there shall be substituted a reference to the Court of Session.

(5) For any reference to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

Provided that until sections one to three of the Lands Tribunal Act, 1949, come into force as regards Scotland this subsection shall have effect as if for the reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections three, five and six of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Act by an arbiter so appointed.

43.—(1) This Act may be cited as the Mineral Workings Act, 1951. Short title, extent and repeal.

(2) This Act shall not extend to Northern Ireland.

(3) Subsection (6) of section forty-nine and subsection (3) of section eighty-one of the principal Act and subsection (6) of section forty-six and subsection (3) of section seventy-eight of the Town and Country Planning (Scotland) Act, 1947, are hereby repealed.

SCHEDULES

FIRST SCHEDULE

Section 1.

AREAS COMPRISED IN THE IRONSTONE DISTRICT

The county of Leicester.
The county of Lincoln (Parts of Kesteven).
The county of Lincoln (Parts of Lindsey).
The county of Northampton.
The county of Oxford.
The Soke of Peterborough.
The county of Rutland.
The county of Warwick.

SECOND SCHEDULE

Section 5.

FORMULA FOR ASCERTAINING CONTRIBUTIONS FROM IRONSTONE OWNERS

1. Let *a* be a sum equal to the payment falling to be made in respect of the interest under the scheme made under section fifty-eight of the principal Act:

2. Let *b* be a sum equal to the development value of the interest as ascertained for the purposes of the said scheme:

3. Let *c* be a sum equal to such part of the said development value as is attributable to the prospect of winning and working ironstone by opencast operations:

4. Let *d* be the number of pence in the average tonnage royalty which would be payable per ton under a mining lease of the ironstone comprised in the interest, so far as unworked on the first day of July, nineteen hundred and fifty-one, being a lease granted immediately before the seventh day of January, nineteen hundred and forty-seven, by a willing lessor to a willing lessee, it being assumed—

(*a*) that the ironstone is to be got by opencast operations;

(*b*) that no premium is given on the grant of the lease;

(*c*) that the lease contains such covenants by both parties (including covenants for payment of dead rent or for restoration after working) as are customary in the district:

5. The amount of the contribution is $\frac{9ac}{8bd}$.

Section 6

THIRD SCHEDULE

DEDUCTIONS AUTHORISED BY S. 6

1. Subject to the provisions of this Schedule, the deduction which may be made on account of contributions paid at the rate required under section six of this Act shall be a sum equal to one half of those contributions.

2. Where the value of the royalties under the lease is less than the value of a full royalty, the deduction authorised by paragraph 1 of this Schedule shall be reduced proportionately.

3. No deduction shall be made under this Schedule on account of the contributions paid in respect of any ironstone which is worked free of tonnage royalty under the lease by virtue of any premium or rent paid or accrued due before the first day of July, nineteen hundred and fifty-one.

4. For the purposes of this Schedule—

(*a*) the value of the royalties under a lease shall be taken to be the capitalised value as at the first day of July, nineteen hundred and fifty-one, of all royalties payable thereunder in respect of ironstone for any period on and after the said date;

(*b*) the value of a full royalty, in relation to a lease, shall be taken to be the capitalised value as at the said date of such royalties as would be payable under a mining lease of all ironstone comprised in the actual lease which is unworked on the said date, being a lease granted immediately before the seventh day of January, nineteen hundred and forty-seven, by a willing lessor to a willing lessee for a term equal to the unexpired portion of the term of the actual lease and otherwise on the same terms (other than terms relating to royalties) as that lease,

it being assumed, in each case, that all such unworked ironstone as aforesaid would be worked during the term of the lease, but no account being taken of any right of the lessee to work any such ironstone by virtue of any such premium or rent as is mentioned in paragraph 3 of this Schedule or to make deductions in accordance with this Schedule.

5. The sums authorised by this Schedule to be deducted on account of any contributions may be deducted from any royalty under the lease which is due when the contributions are paid, and if and so far as they exceed the amount of the royalties then due may be deducted from any royalty, rent or other payment becoming due under the lease at any time thereafter or recovered from the person for the time being entitled to the reversion expectant on the determination of the lease.

6. Where royalties under the lease are payable to two or more persons, the deductions authorised by this Schedule shall be apportioned between them in proportion to the values of those royalties respectively, and in any such case the amount so apportioned in respect of each such royalty may be deducted in accordance with paragraph 5 of this Schedule from any royalty, rent or other payment due or becoming due to the person entitled to receive that royalty, or recovered from him or his successors in title.

7. Where the ironstone in respect of which the contributions are paid is comprised in more than one lease to which paragraph (*b*) of subsection (2) of section six of this Act applies, not being leases of which one is derived (whether immediately or not) from another, the provisions of this Schedule shall apply as if the leases constituted a single lease; but except as aforesaid the said provisions shall apply separately in relation to every lease to which the said paragraph (*b*) applies in which the ironstone is comprised. 3RD SCH. —*cont.*

FOURTH SCHEDULE

Section 13.

FORMULA FOR ASCERTAINING RATE OF PAYMENT FOR WORK IN PROGRESS ON 25TH JULY, 1950

1. Let *a* be the sum determined by the Minister to represent the cost which the operator, working efficiently with such plant as in all the circumstances of the case he might reasonably be expected to use, would incur in carrying out the work on the land in question so far as not carried out before the twenty-fifth day of July, nineteen hundred and fifty:

2. Let *b* be the sum determined as aforesaid to represent the cost which the operator, working as aforesaid, would incur and would have incurred in carrying out the whole of the work carried out on the same land, whether before, on or after the said date:

3. Let *c* be the rate of the payment to which the operator would be entitled under section nine of this Act if the whole of the said work were carried out on and after the said date:

4. The rate of the payment in respect of the work so far as carried out on the land on and after the said date is $\frac{ac}{b}$.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Small Tenements Recovery Act, 1838 ...	1 & 2 Vict. c. 74.
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Acquisition of Land (Assessment of Compensation) Act, 1919.	9 & 10 Geo. 5. c. 57.
Forestry Act, 1919	9 & 10 Geo. 5. c. 58.
Mines (Working Facilities and Support) Act, 1923.	13 & 14 Geo. 5. c. 20.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
Town and Country Planning Act, 1944 ...	7 & 8 Geo. 6. c. 47.
Town and Country Planning (Scotland) Act, 1945.	8 & 9 Geo. 6. c. 33.

Short Title	Session and Chapter
Forestry Act, 1945	8 & 9 Geo. 6. c. 35.
Acquisition of Land (Authorisation Procedure) Act, 1946.	9 & 10 Geo. 6. c. 49.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 53.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Iron and Steel Act, 1949	12, 13 & 14 Geo. 6. c. 72.

CHAPTER 61

Forestry Act, 1951

ARRANGEMENT OF SECTIONS

Maintenance of reserve of growing trees

Section

1. Duty of Commissioners.

Felling of trees

2. Restriction of felling.
3. Felling licences.
4. Review of refusal or conditions of licence.
5. Compensation for refusal of licence.
6. Power to make loans on refusal of licence.
7. Felling directions.
8. Obligation to purchase trees or land in certain cases.
9. Proceedings in respect of felling directions.

Supplementary

10. Special provisions for trees subject to forestry dedication covenants, etc.
11. Enforcement of conditions and directions.
12. Penalties.
13. Provisions as to tree preservation orders.
14. Identification of trees.
15. Advisory Committees.
16. Provisions relating to mortgages and settled land.
17. Trees in County of London.