6. MINERALS

The Town and Country Planning (Minerals) Regulations, 1949*

1949 No. 1996

Made - - - - *14th July*, 1949

B3609

The Minister of Town and Country Planning in exercise of the powers conferred on him by Sections 81 (1) and 111 of the Town and Country Planning Act, 1947(a), and all other powers enabling him in that behalf, hereby with the consent of the Treasury makes the following Regulations:—

1. These Regulations may be cited as the Town and Country Planning (Minerals) Regulations, 1949.

2.—(1) The Interpretation Act, 1889(b), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations the following expressions have the meanings hereby assigned to them:—

(*a*) "the Act" means the Town and Country Planning Act, 1947, as adapted and modified by the Town and Country Planning (Minerals) Regulations, 1948(c);

(*b*) "the Claims Regulations" means the Claims for Depreciation of Land Values Regulations, 1948(d), as amended by the Claims for Depreciation of Land Values (Period for Making Claims) Regulations, 1948(e);

(*c*) "claim" has the meaning assigned to it by the Claims Regulations;

(*d*) "mining operations" means the winning and working of minerals in, on or under land, whether by surface or underground working, other than such minerals as are mentioned in paragraph 5 of the Third Schedule to the Act and other than minerals vested in the National Coal Board, and "mineral undertaker" means any person engaged in mining operations.

(3) In the application of these Regulations to the Isles of Scilly, references to the 1st day of July, 1948, shall be construed as references to the 1st day of August, 1949, and the reference to the 31st day of December, 1949, as a reference to the 28th day of February, 1950.

3. The provisions of the Act shall have effect in relation to development consisting of mining operations subject to the further adaptations and modifications prescribed by these Regulations.

4. Payment in respect of a claim relating to any interest in land (such interest and the land to which it relates being hereinafter respectively referred

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* These Regulations were approved by Resolution of the House of Commons, 24th October, 1949, and the House of Lords, 26th October, 1949, in accordance with Section 81(5) of the Town and Country Planning Act, 1947.

(a) 10 & 11 Geo. 6. c. 51. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1948 (No. 1521) I, p. 4191. (d) S.I. 1948 (No. 902) I, p. 4105.
(e) S.I. 1948 (No. 2822) I, p. 4113.

to as " the said interest in land " and " the said land ") shall not be excluded by Section 63 of the Act where the following conditions are satisfied:—

(*a*) on the 1st July, 1948 (or in a case to which the provisions of subsection (2) of Section 91 of the Act apply, immediately before the date of the notice to treat) a mineral undertaker, or a trustee for a mineral undertaker, or a subsidiary within the meaning of Section 154 of the Companies Act, 1948, of a mineral undertaker, with a view to mining operations held any interest in the said land, which entitled such a person to win and work the minerals therein and in respect of which a claim may be made under the Act, or was under an enforceable contractual obligation to acquire such an interest;

(*b*) the development value of the said interest in land is wholly attributable to the prospect of mining operations;

(*c*) the area of the said land exceeds 25 acres; and

(*d*) the development value of the said interest in land exceeds £500.

5.—(1) Where a claim is duly made on or before the 31st day of December, 1949, in respect of an interest in land in which a mining lease subsisted on the 1st July, 1948, the claim shall be treated as if it were also a claim in respect of every other interest in the land which subsisted on that day and comprised or included an interest in the minerals the subject of the mining lease (being an interest in respect of which a claim may be but is not in fact made under the Act) duly made by the owner thereof.

(2) Where a claim is treated as having been made by any person in pursuance of this Regulation, the proviso to subsection (4) of Section 60 of the Act shall not apply so as to enable the Central Land Board to direct that the claim so treated as having been made shall be dealt with together with any claim duly made by that person in respect of any interest in any other land.

6. The Town and Country Planning (Minerals) Regulations, 1948, shall be amended by substituting for Regulation 7 thereof the following Regulation:—

" 7. For the purposes of Section 61 of the Act (which provides for the ascertainment of development values of land) in calculating the restricted and unrestricted values of an interest in any land wholly or partly used for the purpose of mining operations or in which a mineral undertaker has an interest entitling him (whether subject to the consent of another person or not) to use the land for that purpose, regard shall be had to any increase in the value of the interest arising from the presence of any buildings, plant and machinery used for such purpose or for the purpose of processing minerals, but the value of the buildings, plant and machinery as such shall be excluded."

Dated this fourteenth day of July, 1949.

Given under the Official Seal of the Minister of Town and Country Planning.

(L.S.)

Lewis Silkin,
Minister of Town and Country Planning.

We consent.

Wm. Hannan,
Richard Adams,
Two of the Lords Commissioners of His Majesty's Treasury.

EXPLANATORY NOTE

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

The purpose of these Regulations is :—

(*a*) to vary in respect of minerals, the provisions of Section 63 of the Town and Country Planning Act, 1947 (which excludes payments for small claims under the Treasury Scheme for payment in respect of depreciation of land values to be made under Section 58 of the Act) by providing a different minimum for certain claims in respect of mineral bearing land by mineral undertakers or other parties interested in that land ;

(*b*) to make special provision in the case of land subject to mining leases whereby a claim for payment under the Treasury Scheme, made by any person entitled to claim in respect of an interest in the land comprised in the mining lease, is to be treated as if it were a claim made also by all other persons entitled to claim in respect of mineral interests in the land ;

(*c*) to extend the application of Regulation 7 of the Town and Country Planning (Minerals) Regulations, 1948, to the case where a claim includes both mineral bearing land which is worked or held by a mineral undertaker, and buildings, plant and machinery for processing minerals.

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7. PLANNING PAYMENTS (WAR DAMAGE)

The Planning Payments (War Damage) Scheme, 1949

1949 No. 2243

Made - - - -	*2nd December,* 1949
Laid before Parliament	*5th December,* 1949
Coming into Operation	*12th December,* 1949

The Treasury in exercise of the power conferred on them by section fifty-nine of the Town and Country Planning Act, 1947(**a**), hereby make the following scheme :—

SCHEME

Interests qualifying for payments

1. Subject to the provisions of the Town and Country Planning Act, 1947, and of this scheme, a payment under this scheme shall be made by the Central Land Board in respect of any interest in land which is depreciated in value by virtue of the provisions of the said Act, if, on a claim duly made in respect of that interest, it is shown—

(*a*) that the land is comprised in a hereditament which sustained war damage in respect of which, in accordance with any determination under the War Damage Act, 1943(**b**), a value payment has been paid or is payable, or would be payable but that the value of the hereditament in the state in which it was immediately after the occurrence of the war damage is not less than its value in the state in which it was immediately before the occurrence of that damage ;

(**a**) 10 & 11 Geo. 6. c. 51. (**b**) 6 & 7 Geo. 6. c. 21.