1970. No. 20 **[C]**

MINERAL DEVELOPMENT

Applications: Fees: Model Clauses

REGULATIONS, DATED 10TH FEBRUARY 1970, MADE BY THE MINISTRY OF COMMERCE, WITH THE APPROVAL OF THE MINISTRY OF FINANCE AS TO FEES, UNDER SECTIONS 13(2) AND 49 OF THE MINERAL DEVELOPMENT ACT (NORTHERN IRELAND) 1969.

The Ministry of Commerce in exercise of the powers conferred on it by Sections 13(2) and 49 of the Mineral Development Act (Northern Ireland) 1969(a) and of all other powers enabling it in that behalf, with the approval of the Ministry of Finance as to fees, hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Mineral Development (Applications, Fees and Model Clauses) Regulations (Northern Ireland) 1970, and shall come into operation on 1st March 1970.

Interpretation

2. In these Regulations—

"the Act" means the Mineral Development Act (Northern Ireland) 1969;

"the Ministry" means the Ministry of Commerce;

"sale" means any disposition of an estate in mines and minerals by the Ministry under Section 16 of the Act;

"minerals" does not include any of the substances mentioned in Schedule 1 to the Act.

Applicants

3.—(1) Any person may apply in accordance with these Regulations for a prospecting licence or for a grant of mineral rights by way of sale, mining lease, mining licence or mining permission.

(2) A person may apply in accordance with these Regulations for a mining facilities permit authorising him to use land or ancillary rights if he has, or proposes to acquire, a right to work mines and minerals—

(*a*) under a mining lease or mining licence; or

(*b*) by virtue of his ownership of any other estate in land.

(3) A person may apply in accordance with these Regulations for a mining facilities permit authorising him to use ancillary rights, if he has, or proposes to acquire, a right to search for mines and minerals—

(*a*) under a prospecting licence or any corresponding authorisation granted or to be granted by a person who is the owner of the mines and minerals; or

(*b*) by virtue of his ownership of any other estate in land.

(a) 1969. c. 35 (N.I.).

(4) A mining facilities permit shall not be granted to any person until the Ministry is satisfied either that he has a right to work the relevant mines and minerals or that he has a right to search for the relevant mines and minerals.

(5) A person who applies under this regulation for a mining facilities permit in respect of land or ancillary rights not then vested in the Ministry shall serve notice in writing of the making of any such application on any persons appearing to him to have power, as the case may be, to transfer or to concur in transferring the ownership of the land or to grant or to concur in granting the ancillary rights concerned.

Applications

4.—(1) An application submitted under regulation 3 shall be made in writing to the Ministry in the manner set out in Schedule 1 and shall be accompanied by—

(*a*) appropriate evidence in support of the facts stated in the application;

(*b*) the appropriate fee;

(*c*) two copies of the six inch Ordnance Survey map or such other Ordnance Survey map as may be required by the Ministry upon which there shall be clearly delineated by appropriate colourings or markings and a legend or key thereto—

(i) the boundaries of the area in respect of which the application is made; and

(ii) where the application is for a mining facilities permit the boundaries of the area over which the applicant has or proposes to acquire, a right to work or search for mines and minerals; and

where the application is for a mining facilities permit, shall also be accompanied by two copies of any such additional map or plan as may be necessary to indicate how the relevant land or ancillary rights are proposed to be used;

(*d*) copies of audited accounts (so far as available) relating to the applicant's business activities for the 3 most recent years and such other evidence (if any) of the financial standing of the applicant as the Ministry may require.

(2) An applicant upon request by the Ministry shall furnish such further information or evidence as may be required by the Ministry in connection with the application, and if such further information or evidence is not furnished to the satisfaction of the Ministry within two months of the request therefor, the application, unless the Ministry otherwise agrees, shall be deemed to have been withdrawn by the applicant.

(3) If after an application is made but before any sale is completed or any prospecting licence, mining lease, mining licence, mining permission or mining facilities permit is granted in pursuance thereof, or before the Ministry informs the applicant that the application is refused, any change occurs in any fact or matter stated in the application or in any information or evidence furnished in connection therewith, the applicant shall forthwith serve a notice in writing on the Ministry giving particulars of the change.

(4) All information comprised in or furnished to the Ministry in connection with an application made under these regulations shall be treated by the Ministry as confidential.

Fees

5.—(1) With every application there shall be forwarded to the Ministry the appropriate fee computed in accordance with the following Table—

Subject of Application	*Amount or rate of fee*
Prospecting licence . .	£5 for each licence.
Mining lease . . .	£10 for each acre or part of an acre contained in the area comprised in the lease application.
Mining licence . . .	£5 for each acre or part of an acre contained in the area comprised in the licence application.
Mining permission . .	£2 for each acre or part of an acre contained in the area comprised in the permission application.
Mining facilities permit .	£10 for each acre or part of an acre contained in the area comprised in the permit application.

(2) If any application is refused in its entirety the Ministry shall repay to the applicant one half of the fee paid in respect of the application.

Extent or Area

6.—(1) A sale or a prospecting licence, mining lease, mining licence, mining permission or mining facilities permit shall relate to such an area as the Ministry may determine.

(2) Where an applicant proposes to search for or work minerals in two or more separate areas a separate application shall be made in respect of each such area, but the Ministry may include in a sale or the grant of a prospecting licence, mining lease, mining licence, mining permission or mining facilities permit two or more separate areas.

Model Clauses

7. Subject to the provisions of the Act—

(1) Every prospecting licence shall be in such form and may incorporate (directly or by reference) such of the Model Clauses in Schedule 2 with such modifications as the Ministry thinks fit.

(2) Every mining lease shall be in such form and may incorporate (directly or by reference) such of the Model Clauses in Schedule 3 with such modifications as the Ministry thinks fit.

(3) Every mining licence and mining permission shall be in such form and may incorporate (directly or by reference) such of the Model Clauses in Schedule 4 with such modifications as the Ministry thinks fit.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 10th day of February 1970.

(L.S.) *J. H. Armstrong,*
Assistant Secretary.

The Ministry of Finance hereby approves the foregoing regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 10th day of February 1970.

(L.S.) *R. R. Butler,*
Assistant Secretary.

SCHEDULE 1

MINERAL DEVELOPMENT ACT (NORTHERN IRELAND) 1969

FORM OF APPLICATION

(to be sent to the Ministry of Commerce, Belfast)

PART I
(*details to be furnished by* ALL *applicants*)

1. Name(s) of Applicant(s) in full.

2. Nature of grant applied for (state whether application is in respect of a sale or the grant of a prospecting licence, mining lease, mining licence, mining permission or a mining facilities permit).

3. Nature of minerals in respect of or in connection with which application is being made.

4. Period for which grant is required.

5. If application is by an individual(s) in each case state—
   a. usual residential address
   b. evidence of nationality accompanying application
   c. occupation
   d. names and addresses of 3 persons to whom the Ministry can refer for evidence as to character, financial standing and technical qualifications of applicant.

6. If application is by a body corporate, the application should in each case state—
   a. date and place of incorporation
   b. nature of business carried on
   c. principal place of business
   d. registered office (if a company)
   e. place of central management and control
   f. particulars of the members of the Board of Directors or other governing body of the body corporate as follows—

1 Full Names	2 Usual residential address	3 Nationalities

   g. particulars of capital authorised and issued as follows—

1 Class of Capital	2 Amount authorised	3 Amount issued	4 Voting rights of each class

(Column 4 need not be completed if a copy of the Memorandum and the Articles of Association, or other document setting out or defining the constitution of the body corporate accompanies the application.)

   h. particulars of all holdings of not less than 10% in number or value of any class of capital which has been issued by the body corporate as follows—

1 Name of holder and names of joint holders in full	2 Class of holding	3 Amount	4 Nationality of Holder(s)

i. particulars of all capital issued to bearer as follows—

1	2	3
Class of Capital	Total amount issued	Amount issued to bearer

7. Situation and approximate size of area in respect of which application is made and which is delineated on the map accompanying the application.

8. Brief particulars of previous experience in mineral prospecting and/or development operations.

9. Names and qualifications of technical experts or advisers.

10. State amount of capital required for operations in respect of which application is being made which

a. is at present available

b. applicant can make available and the sources.

11. State nature of security offered for fulfilment of obligations.

12. If applicant is an alien, or a body corporate incorporated outside the United Kingdom, state full particulars of any body corporate incorporated in or proposed to be incorporated in the United Kingdom to whom it is intended that the sale shall be made or in whose name it is intended that the prospecting licence, mining lease, mining licence, mining permission or mining facilities permit shall be taken out, including where practicable and required, details similar to those specified in 6 and 9 above.

PART II

(*details to be furnished* ONLY *by applicants for mining facilities permits*)

1. State source and nature of title to relevant minerals (if title has not yet been acquired, this should be stated, together with any other relevant information).

2. State briefly nature of operations undertaken or proposed to be undertaken.

3. Explain precise nature of mining facility required making reference to maps or plans accompanying the application.

4. State reason why facility is required.

5. State names and addresses of any persons appearing to have power to grant mining facility required and on whom notice of the making of the application has been served and manner of such service.

6. Explain steps taken to obtain facility by private arrangement and reasons for failure so to acquire.

PART III

(*statement to be made by* ALL *applicants*)

I/We declare that the information given above or annexed to this application in support or explanation is correct.