



**BILLE NA MIANACH AGUS NA MINEARAL, 1931.
MINES AND MINERALS BILL, 1931.**

*Mar do tugadh isteach
as introduced*

ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY.

Section.

1. Definitions.
2. Amendment of section 13 of the Irish Land Act, 1903 and consequential repeals.
3. Determination of questions in relation to exclusive mining rights.
4. State mines and minerals and exclusive State mining rights.

PART II.

THE MINING BOARD.

5. Establishment of the Mining Board.
6. Regulations for proceedings before Board.
7. Powers of Board.
8. Entry on land by the Board or officers thereof.
9. Staff of the Board.

PART III.

LEASING OF STATE MINES AND MINERALS.

10. Leases by the Minister.
11. Right of entry by lessees.
12. Right of entry and experimenting by Minister.
13. Liability to pay compensation for damage to land.
14. Payments to certain former owners of mining rights.
15. Protection of State lands.
16. Returns by lessees.

PART IV.

GRANT OF RIGHTS IN NON-STATE MINES AND MINERALS.

17. Grant of Mining rights.
18. Grant of ancillary rights.
19. Restrictions on grant of rights.
20. Applications for rights.
21. Preliminary consideration of applications and reference to and report by the Board.
22. Grant of rights.
23. Several applications in respect of same right.
24. Revocation of grant or rights.
25. Protection of State lands.
26. Returns by grantees.

PART V.

RESTRICTIONS ON WORKING MINERALS REQUIRED FOR SUPPORT.

27. Application for restrictions on working minerals required for support.
28. Preliminary consideration of application reference to and report by the Board.
29. Grant of restrictions on working minerals required for support.

PART VI.

PROVISIONS APPLICABLE TO PARTS IV AND V.

Section.

30. Fees payable on applications for grants of rights.
31. Right of audience at inquiries.
32. Payment of compensation as condition of grant.
33. Grants to tenants for life and trustees.
34. Effect of grant of right.
35. Costs and expenses of the Board in relation to inquiries.
36. Costs of parties at inquiries by the Board.

PART VII.

ASSESSMENT OF COMPENSATION.

37. Definition in relation to Part VII.
38. Method of fixing compensation.
39. Provisions in relation to fixing of compensation under Parts III and IV by agreement.
40. Award of compensation by the Board.
41. Other provisions in relation to awards.
42. Fees payable on applications to assess compensation.
43. Costs and expenses incurred by the Board in assessing compensation.
44. Right of audience before Board.
45. Costs of parties in relation to awards.
46. Basis of compensation under Parts IV and V.
47. Payment into court of compensation.
48. Finality of award and statement of special case. —

PART VIII.

MISCELLANEOUS AND GENERAL.

49. Facilities to the Minister and his officers.
50. Additional rights of inspectors.
51. Fencing of abandoned mines.
52. Partial repeal of Mining Industry Act, 1920.
53. Regulations.
54. Expenses.
55. Short title.

SAORSTÁT ÉIREANN

BILLE NA MIANACH AGUS NA MINEARAL, 1931.

MINES AND MINERALS BILL, 1931.

BILL

5

entitled

AN ACT TO ESTABLISH A BOARD TO PERFORM
FUNCTIONS IN RELATION TO MINES AND
MINERALS, TO AUTHORISE THE MAKING OF
LEASES OF MINES AND MINERALS BELONGING TO
10 OR VESTED IN SAORSTÁT ÉIREANN, TO MAKE PRO-
VISION FOR FACILITATING THE WORKING OF
OTHER MINES AND MINERALS AND FOR IMPOSING
RESTRICTIONS ON THE WORKING OF MINERALS
REQUIRED FOR THE SUPPORT OF BUILDINGS AND
15 WORKS, TO AMEND THE LAW WITH RESPECT TO
MINES AND FOR OTHER PURPOSES INCIDENTAL
TO THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT
ÉIREANN AS FOLLOWS:—

20 1.—(1) In this Act—

Definitions.

the expression “the Minister” means the Minister for Industry
and Commerce;

the expression “exclusive mining right” means the exclusive
right of mining and taking minerals and digging and searching
25 for minerals;

the word “rent” includes any periodical payment in the nature
of rent;

the expression “land purchase annuity” means a land purchase
annuity payable under the Land Purchase Acts to the Irish Land
30 Commission;

the word “inspector” includes any person authorised in writing
(either generally or for a special purpose) by the Minister to
exercise all or any of the powers or perform any of the duties
conferred or imposed on an inspector by this Act;

35 the expression “prescribed” means prescribed by the Minister
by regulations made under this Act.

(2) In Parts IV., V. and VIII. of this Act—

the expression “minerals” includes all minerals and substances
in or under land obtainable by underground or surface working.

40 (3) In Parts IV. and V. of this Act—

references to working minerals shall include references to work-
ing, carrying away, treating, and converting minerals;

the word “surface” when used in relation to land includes any
buildings, works, or things erected, constructed or growing on
45 such land.

(4) In Part IV. of this Act—

the expression “right to let down the surface” includes a right
to let down superincumbent or adjacent strata up to and includ-
ing the surface;

50 the word “lease” includes any contract of tenancy and also
includes a licence, and the word “lessor” and “lessee” shall
have corresponding meanings.

2.—(1) Sub-section (3) of section 13 of the Irish Land Act,
1903 shall be construed and have effect—

Amendment of
of section 13 of
the Irish Land
Act, 1903, and
consequential
repeals.

55 (a) as if in lieu of enacting that on the sale under the Land
Purchase Acts of any land by the Irish Land Com-
mission or of any land comprised in an estate by the
owner of the estate, there shall be reserved in the

prescribed manner to the Irish Land Commission the exclusive right of mining and taking minerals and digging and searching for minerals, on or under that land, it enacted that on any such sale there shall be vested in Saorstát Eireann such exclusive right, and 5

- (b) as if the words "and the said right shall be disposed of by the Commission in manner hereafter to be provided by Parliament" now contained therein were deleted therefrom.

(2) The following enactments that is to say:— 10

- (a) the second proviso to sub-section (3) of section 13 of the Irish Land Act, 1903;

- (b) sub-section (4) of the said section 13 (so far only as relates to the exclusive right of mining and taking minerals); 15

- (c) section 1 of the Irish Land Act, 1907; and

- (d) section 37 of the Irish Land Act, 1909;

shall cease to have effect, but shall continue to apply to any letting, lease, sale, or demise of any such exclusive right of mining and taking minerals made by the Irish Land Commission before the passing of this Act under the said section 1 of the Irish Land Act, 1907 as amended by the said section 37 of the Irish Land Act, 1909. 20

Determination of questions in relation to exclusive mining rights.

3.—(1) If for the purposes of this Act any question arises—

- (a) as to whether an exclusive mining right has before the passing of this Act been reserved to the Irish Land Commission under section 13 of the Irish Land Act, 1903, and if so reserved, as to whether such right has been purchased or disposed of by the Irish Land Commission in accordance with law, and, if so disposed of, the nature and extent of such disposition, or 25

- (b) as to whether an exclusive mining right has on or after the passing of this Act been vested in Saorstát Eireann under section 13 of the Irish Land Act, 1903 as amended by this Act, or 35

- (c) as to whether an exclusive mining right has been vested in Saorstát Eireann under section 45 of the Irish Land Act, 1923 (No. 42 of 1923),

the Minister may refer such question to the Irish Land Commission exclusive of the Judicial Commissioner for their determination. 40

(2) An appeal shall lie to the Judicial Commissioner from any decision of the Irish Land Commission under this section.

(3) An appeal shall lie to the Supreme Court in accordance with rules of court from any decision of the Judicial Commissioner under this section. 45

(4) The Irish Land Commission may make rules regulating proceedings before the Irish Land Commission and appeals to the Judicial Commissioner under this section.

State mines and minerals and exclusive State mining rights.

4.—(1) In this Act the expression "State mines and minerals" means— 50

- (a) in relation to any mines and minerals which at the date of the passing of this Act belong, by virtue of Article 11 of the Constitution or otherwise, to Saorstát Eireann, such mines and minerals; 55

- (b) in relation to any mines and minerals which on or after the passing of this Act become, by any means, vested in Saorstát Eireann, such mines and minerals as on and from the date of such vesting.

(2) In this Act the expression "exclusive State mining right" means— 60

- (a) in relation to any exclusive mining right which immediately before the passing of this Act belongs to or is

vested in Saorstát Éireann, or is reserved to the Irish Land Commission, such exclusive mining right;

- 5 (b) in relation to any exclusive mining right which on or after the passing of this Act becomes by any means vested in Saorstát Éireann, such exclusive mining right as from the date of such vesting.

PART II.

THE MINING BOARD.

- 10 5.—(1) There shall be established a board to be known as the Mining Board (in this Act referred to as the Board) consisting of a chairman and two ordinary members to fulfil the functions assigned to it by this Act. Establishment of the Mining Board.

- 15 (2) The chairman of the Board shall be a practising barrister of at least ten years standing and one of the ordinary members shall be a person who is a member of the panel of official arbitrators appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Acquisition of Land (Reference Committee) Act, 1925 (No. 22 of 1925), and the other ordinary member shall be an officer of the Minister.

- 20 (3) Every member of the Board shall be appointed by the Minister for such period as he thinks fit and may be removed from office by the Minister and may resign his office at any time.

- 25 (4) There may be paid out of moneys provided by the Oireachtas to any member of the Board such fees or remuneration and expenses as the Minister for Finance may determine.

- 30 (5) If any member of the Board is for any reason temporarily unable to attend the sittings of the Board, the Minister may appoint another person to act temporarily during such inability of such member as a member of the Board, but no person shall be appointed to act as a member of the Board under this subsection unless he possesses the qualifications required by subsection (2) of this section to be possessed by the member of the Board in place of whom such person is so temporarily appointed.

- 35 6.—The Minister may by order make regulations in relation to all or any of the following matters, that is to say:— Regulations for proceedings before Board.

- (a) the times and places of the sittings of the Board;
(b) the persons to whom and the times and manner in which notice of the sittings of the Board shall be given;
(c) the admission or exclusion of the public to or from sittings of the Board;
40 (d) such other matters in relation to the practice and procedure of the Board as the Minister may consider necessary or expedient for the proper conduct of the business of the Board.

- 45 7.—(1) The Board shall have all such powers, rights, and privileges for enforcing the attendance of witnesses and examining them on oath (which any member of the Board is hereby authorised to administer) or otherwise and for compelling the production of documents as are vested in the High Court or a judge thereof in respect of the trial of an action, and a summons signed by any one or more members of the Board shall be equivalent to and have the like effect as a formal process issued by the High Court for enforcing the attendance of witnesses and compelling the production of documents. Powers of Board.

- 55 (2) If any person—
(a) on being duly summoned as a witness before the Board makes default in attending, or
(b) being in attendance as a witness refuses to take an oath legally required by the Board to be taken, or to produce any document in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer, or
60

(c) does any other thing which would, if the Board were a Court of Justice having power to commit for contempt of Court, be contempt of such Court,

the Board may certify the offence of that person under their hands to the High Court and that Court may after such inquiry 5 as it thinks proper to make punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the said Court.

(3) A witness before the Board shall be entitled to the same immunities and privileges as if he were a witness before the 10 High Court.

Entry on land
by the Board or
officers thereof.

8.—(1) Any member of the Board and any officer of the Board authorised in that behalf by any member of the Board may for any purpose connected with the performance of the functions imposed by this Act on the Board enter on any land and make 15 such investigation thereon as he may consider necessary for the purposes aforesaid.

(2) If any person obstructs or impedes any member or officer of the Board in the exercise of the powers conferred on such member or officer by this section such person shall be guilty of 20 an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

Staff of the
Board.

9.—(1) The Minister shall appoint a secretary of the Board and may, subject to the consent of the Minister for Finance as to the number, appoint such other officers and servants of the 25 Board as he may consider necessary for assisting the Board in the performance of its functions.

(2) The secretary and other officers and servants of the Board shall hold office upon such terms and be remunerated at such rates and in such manner as the Minister for Finance shall 30 sanction.

PART III.

LEASING OF STATE MINES AND MINERALS.

Leases by the
Minister.

10.—(1) If in the opinion of the Minister it is in the public interest that any State mines and minerals or any exclusive 35 State mining right should be granted by way of lease to any person, the Minister may, under and in accordance with this Part of this Act, demise such State mines and minerals or exclusive State mining right to such person by way of lease for such term not exceeding ninety-nine years as the Minister shall think 40 proper.

(2) A demise of any State mines and minerals or exclusive State mining right made under this section may be made by way of take note or prospecting lease for such term not exceeding 45 two years as the Minister shall think proper and such lease may contain an option to the lessee therein to take a reversionary lease of such State mines and minerals or exclusive State mining right for such term as will together with the term created by such take note or prospecting lease not exceed ninety-nine years 50 as the Minister shall think proper.

(3) Every lease made under this section shall (unless the Minister and the Minister for Finance are jointly of opinion that such lease should in the public interest be made free of any payment) be made subject to the payment to the Minister 55 of such moneys, whether by way of fine or other preliminary payment or by way of rent (including a royalty rent variable according to the price or value of the minerals gotten) or by both such ways, as the Minister and the Minister for Finance shall jointly think proper and shall agree upon with the person to whom such lease is made, and all such moneys when received 60 by the Minister shall be paid into or disposed of for the benefit of the Exchequer by the Minister in such manner as the Minister for Finance shall direct.

(4) Every such lease as aforesaid shall be made subject to and shall contain such covenants, conditions and agreements (other than for the renewal of the lease) as the Minister shall consider proper or desirable in the public interest or otherwise and shall agree upon with the person to whom such lease is granted.

(5) In exercising the respective powers conferred on them by this section, and in particular in determining the terms of any demise or the payment to be made thereunder, the Minister and the Minister for Finance may take into consideration the general advantages that are likely to accrue to the State from the development of the mines and minerals to which the demise relates.

11.—Every person who is for the time being the lessee of State mines and minerals or of an exclusive State mining right under a lease made under this Part of this Act may, subject to the liability to pay compensation in accordance with this Part of this Act, enter upon the land in or under which there are such State mines and minerals or in respect of which such exclusive State mining right is exercisable, and the right of entry conferred by this section is in this Part of this Act referred to as the right of entry.

Right of entry
by lessees.

12.—(1) For the purpose of ascertaining the value of any State mines and minerals or of any exclusive State mining right, the Minister may, subject to the liability to pay compensation in accordance with this Part of this Act and after having given to the occupier of the land in or under which there are such State mines and minerals or in respect of which such exclusive State mining right is exercisable at least one month's notice in writing by registered letter addressed to him at his last known place of abode, enter upon such land and make such experiments (including borings) as in his opinion appear necessary or desirable, and the right conferred by this section is in this Act referred to as the right of entry and experimenting.

Right of entry
and
experimenting
by Minister.

(2) The Minister may authorise any person in writing to exercise for and on behalf of the Minister in relation to any land in or under which there are any State mines and minerals or in respect of which any exclusive State right of mining is exercisable the right of entry and experimenting, and any person so authorised may in the name and for and on behalf of the Minister exercise such right, and any act done by such person in pursuance of such authority shall for the purposes of this Act (including the foregoing sub-section) be deemed the act of the Minister.

13.—Whenever any damage is done or occasioned to the surface of any land or any buildings on any land by the exercise of the right of entry, or the right of entry and experimenting or an exclusive State right of mining or by searching for and taking State mines and minerals in or under such land, the person exercising such right or searching for and taking such minerals shall be liable to pay compensation (in this Act referred to as compensation under Part III of this Act) for such damage.

Liability to pay
compensation for
damage.

14.—(1) Where any exclusive State mining right, being either—

Payments to
certain former
owners of
mining rights.

(a) an exclusive mining right reserved to the Irish Land Commission before the passing of this Act under sub-section (3) of section 13 of the Irish Land Act, 1903, or

(b) an exclusive mining right vested in Saorstát Eireann on or after the passing of this Act under the said sub-section (3) as amended by this Act, or

(c) any exclusive mining right vested in Saorstát Eireann under sub-section (5) of section 45 of the Land Act, 1923 (No. 42 of 1923),

is demised under this Part of this Act, the person (in this section referred to as the former owner) who would have been

entitled to such right if it had not been so reserved or vested shall (unless in the case of an exclusive mining right mentioned in paragraph (a) of this sub-section the right of the former owner was purchased by the Irish Land Commission under sub-section (3) of section 13 of the Irish Land Act, 1903), be entitled to 5 be paid in the manner hereinafter by this section provided a sum equal to twenty-five per cent. of any rent, purchase money, or other payment received by the Minister under such demise after there has been deducted from such rent, purchase money, or other payment an amount equal to the amount (if any) 10 expended by the Minister in ascertaining the value of such exclusive State mining right including the exercise of the right of entry and experimenting and in payment of the compensation (if any) and costs (if any) payable by the Minister under this Act consequential upon the exercise of such right of entry and 15 experimenting and in payment of the expenses of collection and other administrative expenses in respect of such rent, purchase money or other payment.

(2) Any person claiming to be entitled to be paid the percentage mentioned in the preceding sub-section may make application therefor to the Minister for Finance, and the Minister for 20 Finance shall pay him such sum on his production from the Irish Land Commission of a certificate that he is the person entitled thereto.

(3) If on the application for such certificate any question 25 arises as to whether the applicant is entitled to be paid the sum claimed, such question shall be decided by the Judicial Commissioner of the Irish Land Commission whose decision shall be final and conclusive.

(4) The Irish Land Commission may grant such certificate 30 and may make rules regulating proceedings for the application for and grant of the same.

(5) Any moneys required by the Minister for Finance to make the payments directed by this section to be made by him to a former owner shall be charged on and paid out of the Central 35 Fund or the growing produce thereof.

Protection of State Lands.

15.—(1) The Minister shall not do any of the following things except after consultation with the Minister for Finance, that is to say:—

(a) make a lease under this Part of this Act of any State 40 mines and minerals in or under land to which the State Lands Act, 1924 (No. 45 of 1924), applies or of any exclusive State mining right exercisable in respect of such land;

(b) exercise or authorise any person to exercise the right 45 of entry and experimenting in respect of such land.

(2) The Minister shall not do any of the following things except after consultation with the Minister for Local Government and Public Health, that is to say:—

(a) make a lease under this Part of this Act of any State 50 mines and minerals in or under land to which the State Lands (Workhouses) Act, 1930 (No. 9 of 1930), applies, or of any exclusive State mining right exercisable in respect of such land;

(b) exercise or authorise any person to exercise the right of 55 entry and experimenting in respect of such land.

(3) The Minister shall not do any of the following things, that is to say:—

(a) make a lease under this Part of this Act of any State 60 mines and minerals in or under land vested in or in the occupation of a Minister head of a Department of State or of any exclusive State mining right exercisable in respect of such land;

(b) exercise or authorise any person to exercise the right of entry and experimenting in respect of such land, 65 except after consultation with such Minister.

16.—(1) Every person to whom a lease is granted under this Part of this Act shall furnish to the Minister in the prescribed form within twenty-eight days after being required by the Minister so to do, such information as the Minister may require in relation to the minerals the subject of such lease and the working of such minerals. Returns by lessees.

(2) If any person on being required under this section by the Minister to furnish to him any information fails or refuses to furnish such information or furnishes information which is false or misleading in any material respect or otherwise makes default in complying with this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds and in the case of a continuing offence a further fine not exceeding ten pounds for every day during which the offence is continued.

PART IV.

GRANT OF RIGHTS IN NON-STATE MINES AND MINERALS.

17.—(1) Where minerals are comprised in or lying under land subject to a lease, exception, reservation, restriction, covenant or condition or are otherwise incapable of being worked without the concurrence of two or more persons and by reason of the said matters the Minister is of opinion that there is a likelihood that such minerals will be left permanently unworked, the Minister may, subject to and in accordance with this Part of this Act, grant to any person who has an interest in such minerals and who, either by himself or through his lessees, desires to work such minerals, a right (in this Part of this Act referred to as a mining (proprietor's) right) to work such minerals. Grant of Mining rights.

(2) Where, in the opinion of the Minister, minerals are owned in such small parcels that they cannot be properly or conveniently worked by themselves and that by reason of that fact there is a likelihood that such minerals will be left permanently unworked, the Minister may, subject to and in accordance with this Part of this Act, grant to any person who has an interest in any of the said minerals or in any other minerals adjacent to the said minerals and who desires either by himself or through his lessees to work all such minerals, a right (in this Part of this Act referred to as a mining (small parcels) right) to work such first-mentioned minerals.

(3) Where, in the opinion of the Minister, there is a likelihood that minerals in a certain area will be left permanently unworked by reason of the fact that they cannot be economically worked except by being worked as a whole throughout such area, the Minister may, subject to and in accordance with this Part of this Act, grant to a person who has an interest in part of such minerals and who desires to work, either by himself or his lessees, all the minerals in such area, a right (in this Act referred to as a mining (area) right) to work the remainder of such minerals.

(4) Where, in the opinion of the Minister, minerals are not being worked or are not being worked efficiently and no satisfactory reason is shown by the person having an interest therein to the Minister for not working such minerals or for not working such minerals efficiently, the Minister may, subject to and in accordance with this Part of this Act, grant to any person who desires, either by himself or through his lessees, to work such minerals a right (in this Part of this Act referred to as a mining (unworked minerals) right) to work such minerals.

(5) Where a person working a mine has entered into an agreement with a person working another mine adjoining such first-mentioned mine for an adjustment of the boundaries between such mines with a view to reducing the amount of minerals to be left unworked between such mines or to enabling the minerals in such mines to be worked more efficiently or more economically, and effect cannot be given to such agreement

by reason of the failure or refusal of the lessors of such mines or the owners of the surface, or any of them, to concur therein, the Minister may, subject to and in accordance with this Part of this Act, grant to the persons working such mines a right (in this Part of this Act referred to as a mining (adjustment of boundaries) right) to work such minerals in accordance with the adjustment of boundaries contained in such agreement.

(6) For the purposes of this Act the expression "mining right" shall be deemed to be equivalent to the expression "a mining (proprietor's) right, a mining (small parcels) right, a mining (area) right, a mining (unworked minerals) right and a mining (adjustment of boundaries) right or any of such rights."

(7) Subject to the provisions of the next following sub-section, a mining right shall not be granted in respect of any State mines and minerals or in respect of any minerals in respect of which an exclusive State mining right is exercisable.

(8) A mining right, other than a mining (unworked minerals) right, in respect of minerals comprised in a lease made under Part III. of this Act may be granted for a term not exceeding the residue unexpired of the term granted by such lease.

Grant of
ancillary rights.

18.—(1) Where any facility, right, or privilege is required in order that minerals may be properly and conveniently worked by the person entitled to work such minerals, and in the opinion of the Minister the proper and efficient working of such minerals is unduly hampered by the inability or failure of such person to obtain such facility, right, or privilege (in this Act referred to as an ancillary right) the Minister may, subject to and in accordance with this Part of this Act, grant to any person having the right to work such minerals who is desirous of working them either by himself or through his lessees such ancillary right.

(2) The ancillary rights which may be granted under the foregoing sub-section shall, without prejudice to the generality of such sub-section, include all or any of the following rights, that is to say:—

- (a) a right to let down the surface;
- (b) a right of air-way, shaft-way, or surface or underground way-leave, or other right for the purpose of access to or conveyance of minerals or machinery or the ventilation or drainage or working of the mines;
- (c) a right to use and occupy the surface for the erection of crushing and dressing mills, washeries, coke ovens, railways, aerial rope ways, aerial tramways, by-product works, or brick making or other works, or for dwellings for persons employed in connection with the working of the minerals or with any such works as aforesaid;
- (d) a right to a supply of water or other substances in connection with the working of minerals;
- (e) a right to dispose of water or other liquid matter obtained from mines or any by-product works;
- (f) a right to dispose of any waste products obtained in connection with the working of minerals;
- (g) a right to dam or divert any river, or watercourse, including an artificial watercourse;
- (h) a right to divert sewers, watermains and pipes;
- (i) a right to divert a public road, street, or way or a private way, and to substitute for an existing bridge another bridge on a different site;
- (j) a right to divert a railway, or tramway;
- (k) a right to demolish buildings which impede the proper working of the mines and minerals;

(3) An ancillary right may be granted to a person to whom a mining right is granted at the same time as such mining right is granted or at any subsequent time.

(4) Subject to the provisions of the next following sub-section 5 an ancillary right shall not be granted in, through, or over any minerals which are State mines and minerals in respect of which an enclusive State right of mining is exercisable.

(5) An ancillary right may be granted in, through, or over any minerals which are comprised in a lease made under Part 10 III of this Act subject to the restriction that no such right shall be granted for a term exceeding the residue unexpired of the term granted by such lease.

19.—Neither a mining right nor an ancillary right shall be granted unless it is shown that it is not reasonably practical 15 to obtain such right by private arrangement for any of the following reasons—

(a) that the persons with power to grant the right or the persons whose concurrence is necessary for the exercise of the right are numerous or have conflicting interests; 20

(b) that the persons with power to grant the right or any of them or the persons whose concurrence is necessary for the exercise of the right or any of them cannot be ascertained or cannot be found;

(c) that the persons from whom the right must be obtained or any of them or the persons whose concurrence is necessary for the exercise of the right or any of them have not the necessary powers of disposition to enable them to grant the right or concur in the exercise of the right (as the case may be); 25 30

(d) that the persons or any of the persons with power to grant the right or whose concurrence is necessary for the exercise of the right unreasonably refuse or refuses to grant such right or to concur in the exercise thereof or demands terms which, having regard to the circumstances, are unreasonable. 35

20.—(1) Any person to whom a mining right might be granted in respect of certain minerals may send an application to the Minister for the grant of such mining right in respect of such 40 minerals.

(2) Any person having a right to work minerals, whether by virtue of a mining right or otherwise, and any person applying for a mining right may send an application to the Minister for the grant to him of an ancillary right.

45 (3) Every application under this section shall be in the prescribed form and contain the particulars required by such form including a statement of the circumstances alleged by the applicant having regard to the foregoing provisions of this Act applicable to his case to justify the grant of the right applied for by 50 him and shall be verified in the prescribed manner.

(4) Whenever an application is sent to the Minister under this section the applicant shall within the prescribed time serve in the prescribed manner on such persons as may be prescribed copies of such application.

55 (5) Any person upon whom an application has been served in pursuance of the foregoing sub-section may make representations to the Minister on the subject of such application.

21.—(1) On receipt of an application under the next foregoing section the Minister shall, but not until the expiry of three 60 weeks after the receipt thereof, consider whether a prima facie case has been made out for the grant of the right applied for therein.

Restriction on grant of rights.

Applications for rights.

Preliminary consideration of applications and reference to and report by the Board.

(2) For the purpose of such consideration the Minister shall consider any representations made to him in relation to such application and may make such inquiries and communicate with such persons as he may think fit.

(3) Upon such consideration the Minister shall, unless he is of opinion that a prima facie case has not been made out for the grant of the right the subject of such application, refer such application to the Board.

(4) The Board shall consider every application referred to it by the Minister under this section and shall report to the said Minister on such application.

(5) Every report by the Board under this section shall be in the prescribed form and shall contain the prescribed particulars and such report shall also contain such matters (if any) as are required by this Part of this Act to be included in such report.

Grant of rights.

22.—(1) On receipt of a report from the Board under this Part of this Act the Minister shall consider such report and on such consideration shall have regard to such matters as he is required by this section to take into account and if after such consideration he is satisfied that, having regard to the preceding relevant provisions of this Part of this Act, a case has been established entitling him to grant the right applied for and that it is in the public interest that such right should be granted to the applicant, he may, by order, grant the right on such terms and subject to such conditions, and for such period, as he thinks fit, and upon such order being made, the right specified therein shall subject to the provisions of this Act vest in the applicant.

(2) In determining the duration of any right to be granted the Minister shall have regard to the time reasonably necessary to enable the minerals to be fully worked, and where the applicant's interest in any minerals in virtue of which he is entitled to make an application is a leasehold interest, shall have regard to the duration of such interest.

(3) Where the right applied for is a right to let down the surface, the Minister in determining whether the right should be granted—

(a) shall have regard to the value of the minerals required for the support of any works or buildings or intended works or buildings on or below the surface as compared with the value of the buildings or works, and as to whether the support of the works or buildings is, in the public interest, more important than the working of those minerals; or

(b) if there are no such works or buildings, shall have regard to the extent to which the use of the surface for the purpose for which it is used or intended to be used will be prejudicially effected by subsidence, and as to whether the support of the surface is, in the public interest, more important than the working of the minerals require for the support thereof.

(4) In determining whether any right should be granted or the conditions upon which any such right should be granted the Minister shall have regard to all the circumstances of the case, and, in particular, to the extent to which the retention of any of the minerals is required for the protection of any mines or other works from flooding or for any other mining purpose, and (as far as is relevant) to the royalties, covenants and conditions reserved by or contained in the applicant's existing mining lease or leases (if any) or customary in mining leases in the district.

(5) Whenever the Minister grants to a person a right under this section, compensation (in this Act referred to as compensation under Part IV of this Act) in respect of such grant shall be paid in accordance with this Act by such person.

23.—(1) Where separate applications are made by two or more persons for a mining right to work the same minerals and both such applications are referred to the Board, the Board shall, in their report, report to the Minister, and the Minister shall determine to which, if any, of the applicants such right should be granted, or whether the right to work one part of the minerals should be granted to one applicant and the right to work another part should be granted to another applicant.

Several applications in respect of same right.

(2) In making a report on such separate applications the Board shall report how the minerals can be most conveniently worked and in arriving at his determination the Minister shall have regard to such report, to the respective rights of the applicants in the surface or adjacent minerals, and generally to all the circumstances of the case.

(3) This section shall apply to cases of applications by two or more persons for the same ancillary rights subject to the necessary modifications, and in particular subject to this modification, that any such right may be granted to the applicants, or to any two or more of them, jointly.

24.—(1) Where a mining right is granted to any person and the Minister is satisfied that such person is not bona-fide or efficiently working the minerals the subject of such mining right, the Minister may revoke such mining right.

Revocation of grant of mining rights.

(2) Where a mining right granted to a person is revoked under this section, such person shall not be entitled to a refund of the compensation paid by him in respect of such mining right or any part of such compensation.

25.—The Minister shall not make an order under this Part of this Act in relation to any minerals in or under any land vested in or in the occupation of a Minister head of a Department of State except after consultation with such Minister.

Protection of State lands.

26.—(1) Every person to whom a mining right is granted shall furnish to the Minister in the prescribed form, within twenty-eight days after being required by the Minister so to do, such information as the Minister may require in relation to the minerals the subject of such right and the working of such minerals.

Returns by grantees

(2) If any person on being required under this section by the Minister to furnish any information to him fails or refuses to furnish such information or furnishes information which is false or misleading in any material respect or otherwise makes default in complying with this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds and in the case of a continuing offence a further fine not exceeding ten pounds for every day during which the offence is continued.

PART V.

RESTRICTIONS ON WORKING OF MINERALS REQUIRED FOR SUPPORT.

27.—(1) If any person having an interest in any land alleges—

(a) that he is not entitled to support or sufficient support, whether vertical or lateral, for any building or works erected or constructed, or intended to be erected or constructed, whether on or below the surface of such land, and

(b) that it is not reasonably practicable to obtain a right to such support by private arrangement for any of the following reasons, namely—

(i) that the persons with power to grant the right are numerous or have conflicting interests,

Application for restrictions on working minerals required for support.

- (ii) that the persons with power to grant the right or any of them cannot be ascertained or cannot be found,
- (iii) that the persons from whom the right must be obtained have not the necessary powers of disposition, whether by reason of defect of title, legal disability or otherwise, 5
- (iv) that the persons or any of the persons with power to grant the right unreasonably refuse or refuses to grant such right or demand or demands terms 10 which, having regard to the circumstances, are unreasonable,

such person may send to the Minister an application praying that such restrictions may be imposed on the working of the minerals under such land and the land adjacent thereto as he may consider necessary to secure sufficient support to such buildings or 15 works.

(2) Every application under this section shall set forth the allegations upon which by virtue of the foregoing sub-section the right to make such application is based and shall be in the prescribed form and in addition to such allegations shall contain such other particulars as may be prescribed and shall be verified in the prescribed manner. 20

(3) Whenever an application is sent to the Minister under this section the applicant shall within the prescribed time serve in the prescribed manner on such persons as may be prescribed copies of such application. 25

(4) Any person upon whom an application has been served in pursuance of the foregoing sub-section may make representations to the Minister on the subject of such application. 30

(5) Where any building or work is a national monument within the meaning of the National Monuments Act, 1930 (No. 2 of 1930), and is by virtue of that Act under the guardianship of the Commissioners for Public Works in Ireland or of a local authority, within the meaning of the said Act, the said Commissioners or such local authority, as the case may be, shall for the purposes of this section be deemed to be persons having an interest in the land on which such building or work is erected. 35

Preliminary consideration of application, reference to and report by the Board.

28.—(1) On receipt of an application under the next foregoing section the Minister shall, but not until the expiry of three weeks after the receipt thereof, consider whether a prima facie case has been made out for the grant of the restriction applied for therein and for the purpose of such consideration shall consider any representations made to him in relation to such application and may make such inquiries and communicate with such persons as he may think fit. 40 45

(2) Upon such consideration the Minister shall, unless he is of opinion that a prima facie case has not been made out for the grant of the right the subject of such application, refer such application to the Board. 50

(3) The Board shall consider every application referred to it by the Minister under this section and shall report to the Minister on such application.

(4) Every report by the Board under this section shall be in the prescribed form and shall contain the prescribed particulars. 55

Grant of restrictions on working minerals required for support.

29.—(1) When the Minister receives a report on an application from the Board under this Part of this Act he shall consider such report and on such consideration shall have regard to such matters as he is required by this section to take into account, and if after such consideration he is satisfied that the allegations upon which the said application was based have been proved and that it is in the public interest that restrictions should be imposed, the Minister may, by order, impose such restrictions on 60

such terms and subject to such conditions and for such period, in relation to the working of the minerals under the land the subject of such application and the land adjacent thereto, as he may think just, and upon such order being made the right to enforce the restriction imposed thereby shall, subject to the provisions of this Act, vest in the person making such application.

(2) The restrictions which may be imposed under this section may be either on the quantity or position of the minerals to be worked, or on the methods of working or packing or otherwise such as may be necessary to secure adequate support to the buildings or works or to prevent or minimise damage thereto.

(3) The Minister in determining whether restrictions should be imposed shall have regard to the buildings or works or the cost of repairing damage likely to be caused thereto by subsidence, as compared with the value of the minerals, or to the importance of the erection or preservation of the buildings or works as compared with the importance, in the public interest, of the working of the minerals.

(4) Whenever a right to enforce restrictions is vested in any person by virtue of this section, compensation (in this Act referred to as compensation under Part V of this Act) in respect of such right shall be paid in accordance with this Act by such person.

(5) Subject to the provisions of the next following sub-section no restriction may be imposed under this section in respect of the working of any State mines and minerals or in respect of the working of any minerals in respect of which an exclusive State mining right is exercisable.

(6) Restrictions may be imposed under this section upon the working of minerals comprised in a lease made under Part III of this Act.

PART VI.

PROVISIONS APPLICABLE TO PARTS IV AND V.

30.—(1) Whenever an application is made to the Minister under Part IV or Part V of this Act the person by whom such application is made shall pay to the Minister in respect of such application such fee as the Minister, with the sanction of the Minister for Finance, shall prescribe.

Fees payable on applications for grants of rights.

(2) All fees paid to the Minister under this section shall be paid into or disposed for the benefit of the Exchequer by the Minister in such manner as the Minister for Finance may direct.

31.—At an inquiry held by the Board under Part IV or Part V of this Act into an application under either of the said Parts, the following persons shall be entitled to be heard and adduce evidence, that is to say:—

Right of audience at certain inquiries.

- (a) the applicant, or applicants;
- (b) any person claiming to have any estate or interest in any minerals the subject of such application;
- (c) any other person whom the Board is satisfied would be substantially affected by the grant of such application;
- (d) the Minister.

32.—The Minister may impose as a condition on the grant of any right under Part IV of this Act or the imposition of any restriction under Part V of this Act that any questions as to the compensation payable in respect thereof shall be determined and the amount of the same paid or that security to the satisfaction of the Minister for the payment thereof shall be given before the right commences to be exercised or the restriction is enforced.

Payment of compensation as condition on grant.

Grants to
tenants for life
and trustees.

33.—An order under Part IV or Part V of this Act may confer rights on a tenant for life or a person having the powers of a tenant for life, or on any trustee, personal representative or other person in a fiduciary capacity, and where any such rights are so conferred upon any such person, such rights shall be deemed to form part of the property subject to the settlement or the estate of the deceased person or the property subject to the trust, as the case may be. 5

Effect of grant
of right.

34.—A right granted by the Minister under Part IV or Part V of this Act shall not confer on the grantee any greater or other power than would be conferred thereby if such right had been granted by a person legally entitled to grant such right, or relieve the grantee from any obligation or liability to which he would have been subject had such right been granted by any such person. 10 15

Costs and
expenses
of the Board in
relation to
inquiries.

35.—(1) The Minister may, if he thinks fit, order that the whole or any part of the costs and expenses incurred by the Board in connection with an inquiry under Part IV or Part V of this Act be paid to the Minister by the applicant whose application occasioned such inquiry. 20

(2) An order under this section shall certify the amount due by any person, and any amount so certified shall be recoverable by the Minister as a simple contract debt from such person.

(3) The Minister may require an applicant for any rights under Part IV of this Act or any restrictions under Part V of this Act to give security for the costs of the inquiry by the Board. 25

(4) Any money paid to or recovered by the Minister under this section shall be paid into or disposed for the benefit of the Exchequer by the Minister in such manner as the Minister for Finance may direct. 30

Costs of parties
at inquiries by
the Board.

36.—(1) If the Board considers it just and equitable having regard to all the circumstances of the case that any person or persons attending on an inquiry under Part IV or Part V of this Act should pay the whole or part of the costs of such inquiry incurred by other person or persons so attending, they may include in their report to the Minister a recommendation to that effect specifying the person or persons recommended to pay such costs, the amount recommended to be paid by each of such persons respectively, and the person or persons recommended to be paid such amount. 35 40

(2) The Minister may on consideration of such recommendation by order direct that any person recommended by the Board to pay costs shall pay such sum of costs as he thinks fit (but not exceeding the amount recommended by the Board to be paid by that person) to the person recommended by the Board to be paid such costs. 45

(3) A sum directed to be paid by order of the Minister under the preceding sub-section may in default of payment be recovered as a simple contract debt in any court of competent jurisdiction. 50

(4) For the purposes of this section costs includes any fees, charges and expenses in connection with an inquiry.

PART VII.

ASSESSMENT OF COMPENSATION.

Definition in
relation to
Part VII.

37.—In this Part of this Act the expression "compensation under this Act" shall be construed as equivalent to the expression "compensation under Part III. of this Act, compensation under Part IV. of this Act and compensation under Part V. of this Act," or any such compensation. 55

38.—The amount of compensation under this Act shall, in default of agreement, be determined by the Board in the manner provided by this Part of this Act.

Method of fixing compensation.

39.—Where the amount of compensation under Part III of this Act or the amount of compensation under Part IV of this Act is fixed by agreement and the land in respect of which such compensation is payable is subject to a land purchase annuity, the following provisions shall have effect—

Provisions in relation to fixing of compensation under Parts III and IV of agreement.

10 (a) the Irish Land Commission shall be a party to such agreement;

(b) in the event of the Irish Land Commission not being a party to such agreement, the payment of the amount of compensation fixed thereby shall not be a good discharge to the person paying the same, of his liability to pay such compensation;

15 (c) any such compensation or part thereof which is payable to the Irish Land Commission under such agreement shall when received by them be applied by the Irish Land Commission in reduction of any arrears due on foot of such annuity, or if there are no such arrears or if such arrears are less than the amount of such compensation then in or towards the redemption of the purchase annuity.

20 40.—(1) Where compensation under this Act is payable the following persons, that is to say:—

Award of compensation by the Board.

(a) any person claiming to be entitled to such compensation, or

30 (b) if such compensation is compensation under Part III of this Act or compensation under Part IV of this Act and the land in respect of which such compensation is payable is for the time being subject to a land purchase annuity, the Irish Land Commission,

may apply to the Board to determine the amount of such compensation.

35 (2) Where an application for compensation under this Act is made under this section the Board shall inquire into such application and shall after such inquiry make their award thereon.

(3) Every award (in this Part of this Act referred to as an award) made by the Board under this section shall contain the following matters—

40 (a) a statement of the amount of the compensation (if any);

(b) the name of the person by whom such compensation is to be paid;

45 (c) the name of the person to whom such compensation is to be paid;

(d) if the compensation is to be paid to two or more persons, the allocation of such compensation amongst such persons;

50 (e) if the compensation is assessed in respect of any land for the time being subject to a land purchase annuity, the matters required by the next following sub-section to be included in such award.

(4) Where compensation is assessed by the Board under this section in respect of land which is for the time being subject to a land purchase annuity, the Irish Land Commission may, if they so think fit, request the Board—

(a) if the amount of such compensation is equal to or less than the redemption price of such annuity and the

arrears (if any) of such annuity, to order by their award payment to the Irish Land Commission of the whole or such part of the compensation as the Irish Land Commission request, or

(b) if the amount of such compensation exceeds the redemption price of such annuity and the arrears (if any) of such annuity, to order by their award payment to the Irish Land Commission of such sum, not exceeding the amount of the said redemption price and arrears (if any), as the Irish Land Commission request, and the Board shall comply with such request.

(5) Where any award in relation to land for the time being subject to a land purchase annuity provides for the payment of any moneys to the Irish Land Commission, upon payment thereof to the Irish Land Commission such moneys shall be applied by the Irish Land Commission as they think fit in discharge of the arrears (if any) of such annuity and towards the redemption of such annuity or in either of the said ways.

Other provisions
in relation to
awards.

41.—(1) Every award shall be signed by all the members of the Board.

(2) Every award shall be conclusive evidence of all matters purported to be certified therein.

(3) Any sum directed by an award to be payable by one person to another shall be a debt due and payable by such first mentioned person to such other person and shall be recoverable as a simple contract debt.

(4) A document upon which there is endorsed a certificate, purporting to be signed by the Secretary of the Board, to the effect that such document is a copy of an award shall, until the contrary is proved, be evidence in all Courts of Justice and in all legal proceedings of such award, and it shall not be necessary to prove the signature of such secretary or that he was in fact such secretary.

Fees payable on
applications
to assess
compensation.

42.—(1) Whenever an application is made to the Board by any person, other than the Irish Land Commission, to assess compensation under this Act, such person shall pay to the Board in respect of such application, such fee as the Minister, with the sanction of the Minister for Finance, shall prescribe.

(2) All fees paid to the Board under this section shall be paid into or disposed of for the benefit of the Exchequer by the Board in such manner as the Minister for Finance may direct.

Costs and
expenses
incurred by the
Board in
assessing
compensation.

43.—(1) The Minister may, if he thinks fit, order that the whole or any part of the costs and expenses incurred by the Board in connection with an application by any person, other than the Irish Land Commission, to the Board to assess compensation under this Act shall be paid to the Minister by the person by whom such application is made.

(2) An order under this section shall certify the amount due by any person, and any amount so certified shall be recoverable by the Minister as a simple contract debt from such person.

(3) The Minister may require any person, other than the Irish Land Commission, who applies to the Board to fix compensation under this Act to give security for the costs and expenses of the Board in connection with the application.

(4) Any money paid to or recovered by the Minister under this section shall be paid into or disposed of for the benefit of the Exchequer by the Minister in such manner as the Minister for Finance shall direct.

44.—When any compensation under this Act is assessed by the Board the following persons and no others shall be entitled to be heard and adduce evidence, that is to say:—

Right of audience before the Board.

- 5 (a) any person claiming to have any estate or interest in the land in relation to which such compensation is being assessed;
- (b) the person liable to pay such compensation;
- 10 (c) if the land in relation to which such compensation is being assessed is for the time being subject to a land purchase annuity, the Irish Land Commission

45.—(1) The costs of the parties in any proceedings under this Part of this Act shall be in the discretion of the Board who may by their award direct to and by whom and in what manner those costs or any part thereof shall be paid and the Board may in any case disallow the costs of counsel.

Costs of parties in proceedings in relation to awards.

(2) The Board may themselves tax the amount of costs ordered to be paid or may direct in what manner they are to be taxed.

20 (3) Where the Board orders an applicant for compensation under this Act to pay the costs or part of the costs of the person by whom such compensation is payable, such person may deduct the amount of such costs from the amount of such compensation.

25 (4) For the purposes of this section costs includes any fees, charges and expenses of the award.

30 46.—The Board in assessing compensation under Part IV of this Act or compensation under Part V of this Act in respect of a right, shall assess the same on the basis of what would be fair and reasonable between a willing grantor and a willing grantee having regard to the conditions subject to which such right is granted.

Basis of compensation under Parts IV and V.

35 47.—Where the person to whom any compensation under this Act is payable cannot be found or ascertained the compensation shall be paid into the High Court in such manner as may be directed by rules of court and the provisions of section 69 to 80 of the Lands Clauses Consolidation Act, 1845, shall apply to such compensation with such modifications and adaptations as may be made by the said rules.

Payment into court of compensation.

40 48.—(1) The decision of the Board upon any question of fact arising on proceedings before it under this Part of this Act shall be final and binding on all parties and the persons claiming under them respectively, but the Board may, and shall if the High Court so directs, state at any stage of the proceedings, in the form of a special case for the opinion of the High Court, any question of law arising in the course of the proceedings and may state their award as to the whole or part thereof in the form of a special case for the opinion of the High Court.

Finality of award and statement of special cases.

50 (2) The decision of the High Court upon any case stated by the Board under this section shall be final and conclusive and shall not be subject to any appeal to the Supreme Court.

PART VIII.

MISCELLANEOUS AND GENERAL.

55 49.—(1) Where a person proposes to sink, for the purpose of searching for or getting any minerals, a shaft or borehole intended to reach a depth of more than thirty feet below the surface, he shall, before commencing such sinking, give to the Minister notice in writing of his intention so to do.

Facilities to the Minister and his officers.

(2) Every person who sinks, for the purpose of searching for or getting any minerals, a shaft or borehole intended to reach a

depth of more than thirty feet below the surface shall keep a journal thereof and shall retain for a period of not less than six months such specimens of the strata passed through as may have been obtained in the course of the sinking thereof, either as cores or fragments.

(3) An inspector shall be entitled at all reasonable times to do all or any of the following things, that is to say:—

- (a) have free access to any such shaft, borehole or core;
- (b) to inspect and take copies of journals of such shafts or boreholes;
- (c) to inspect all specimens so obtained and kept;
- (d) to take representative specimens of any such cores.

(4) If any person sinking any such shaft or borehole as aforesaid gives notice in writing to the Minister requesting him to treat as confidential any copies of journals or specimens of strata or cores taken by an inspector under the foregoing sub-section, the Minister shall not, unless he considers such request unreasonable, allow such copies or specimens to be shown to any person not being an officer of the Minister except with the consent of such first mentioned person.

(5) If any person sinking any shaft or borehole—

(a) fails to comply with the obligations imposed by this section, or

(b) obstructs or impedes an inspector in the exercise of any of the powers conferred on him by this section,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

Additional
rights of
inspectors.

50.—(1) Every owner, agent or manager of a mine shall allow any inspector to have free access at all reasonable times to all underground working and shall supply to any inspector such information and such specimens of seams or strata sunk through or opened out at the mine as may be reasonably required of him.

(2) If any such owner, agent, or manager fails to comply with this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

Fencing of
abandoned mines.

51.—(1) Where the working of any State mines and minerals or the exercise of any exclusive State mining right has been abandoned or discontinued, at whatever time the abandonment or discontinuance occurred, the Minister may cause the top or entrance of every shaft or outlet used in connection with such working to be kept surrounded by a structure of a permanent character sufficient to prevent accidents, and may enter on any land for the purpose of so doing.

(2) The Minister may authorise any person in writing to exercise for and on behalf of the Minister the powers conferred by sub-section (1) of this section on the Minister and any person so authorised (in this section referred to as an agent of the Minister) may in the name and for and on behalf of the Minister exercise such powers.

(3) If any person obstructs or interferes with any agent of the Minister in exercise of the powers conferred on such agent, by virtue of the foregoing provisions of this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(4) No compensation shall be payable in respect or in consequence of the exercise of the powers conferred by this section on the Minister or an agent of the Minister.

(5) Nothing in this section contained shall exempt any person from any liability under any other Act or otherwise.

Partial repeal of
Mining Industry
Act, 1920.

52.—The Mining Industry Act, 1920, save sections 2, 19, 25 and 26 thereof and the First Schedule thereto, is hereby repealed and the said Act shall, save as aforesaid, be deemed never to have been in force in Saorstát Eireann or in the area now comprised in Saorstát Eireann.

53.—(1) The Minister may make regulations in respect of any Regulations.
matter or thing referred to in this Act as prescribed or to be
prescribed.

(2) Every regulation made by the Minister under this Act
5 shall be laid before each House of the Oireachtas as soon as may
be after it is made, and if a resolution is passed by either such
House within the next subsequent twenty-one days on which such
House has sat after such regulation is laid before it annulling
such regulation, such regulation shall be annulled accordingly but
10 without prejudice to the validity of anything previously done
under such regulation.

54.—Save as is otherwise provided by this Act, all expenses Expenses.
incurred in carrying this Act into execution shall, to such extent
as may be sanctioned by the Minister for Finance, be paid out of
15 moneys provided by the Oireachtas.

55.—This Act may be cited as the Mines and Minerals Act, Short title
1931.

Saorstát Éireann.

BILLE NA MIANACH AGUS NA
MINEREAL, 1931.

BILLE

(mar do tugadh isteach)
dá ngairmtear

Acht chun Buird do bhunú chun feidhmeanna d'fheidhmiú maidir le mianaigh agus le minearáil, chun a údarú go ndéanfaí léasanna ar mhianaigh agus ar mhinearáil is le Saorstát Éireann no atá dílsithe ann, chun socrúithe do dhéanamh chun a chur in usacht mianaigh agus minearáil eile d'oibriú agus chun sriain do chur le minearáil d'oibriú is gá mar thaca le foirgintí agus le hoibreacha, chun an dlí bhaineas le mianaigh do leasú agus chun crícheanna eile ghabhas leis na nithe roimhraithe.

An tAire Tionnscoil agus Tráchtála do thug
isteach.

Do hordúíodh, ag Dáil Éireann, do chlóbhuála,
24adh Meitheamh, 1931.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach tré aon díoltóir leabhar, no díreach
ó Oifig Díolta Foillseacháin Rialtais, 5, Sráid
Thobair Phádraig, Baile Átha Cliath, C.2.

Clóbhuailte ag CAHILL AND CO., LTD.
[Raol Glan.]

Wt. 6-976. 575. 6/31. C.&Co. (889).

Saorstát Éireann.

MINES AND MINERALS BILL,
1931.

BILL

(as introduced)
entitled

An Act to establish a Board to perform functions in relation to mines and minerals, to authorise the making of leases of mines and minerals belonging to or vested in Saorstát Éireann, to make provision for facilitating the working of other mines and minerals and for imposing restrictions on the working of minerals required for the support of buildings and works, to amend the law with respect to mines and for other purposes incidental to the matters aforesaid.

Introduced by the Minister for Industry and
Commerce.

Ordered, by Dáil Éireann, to be printed,
24th June, 1931.

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly
from the Government Publications Sale Office,
5 Nassau Street, Dublin, C.2.

Printed by CAHILL AND CO., LTD.
[Sixpence Net.]