

## MINERALS DEVELOPMENT ACT, 1995

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1995 15 AN ACT TO AMEND AND EXTEND THE MINERALS DEVELOPMENT ACTS, 1940 TO 1979.

[17th July, 1995]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1995 15 1

Interpretation. 1.—(1) In this Act—

"the Act of 1979" means the Minerals Development Act, 1979;

"the Minister" means the Minister for Transport, Energy and Communications;

"the Principal Act" means the Minerals Development Act, 1940.

(2) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

1995 15 2

Amendment of section 8 of Principal Act. 2.—Section 8 of the Principal Act is hereby amended by the insertion after subsection (5) of the following subsection:

"(6) ( a ) Every prospecting licence granted by the Minister under this section before the passing of the Minerals Development Act, 1995, which does not contain a clause providing for the renewal or successive renewals thereof and which the Minister has, prior to such passing, purported to renew, shall be deemed to contain and always to have contained such a clause, subject to such terms (including duration) and conditions, if any, as were specified by the Minister at the time of such purported renewal.

( b ) The Minister may, into any prospecting licence granted by the Minister under this section before the passing of the Minerals Development Act, 1995, which does not contain a clause providing for the renewal or successive renewals thereof and which the Minister has not, prior to such passing, purported to renew (other than a licence which was revoked or terminated under section 12 of this Act,

prior to such passing) insert such a clause subject to such terms (including duration) and conditions, if any, as the Minister thinks proper.

( c ) Any prospecting licence granted by the Minister under this section after the passing of the Minerals Development Act, 1995, may contain a clause providing for the renewal or successive renewals thereof, either unconditionally or subject to such terms (including duration) and conditions as shall be stated in such licence.

( d ) The Minister shall not, after the passing of the Minerals Development Act, 1995, renew a prospecting licence in which a clause providing for the renewal or successive renewals thereof is, pursuant to paragraph (a) of this subsection, deemed to be contained, in which such a clause has, pursuant to paragraph (b) of this subsection, been inserted or in which such a clause is, in accordance with paragraph (c) of this subsection, contained unless, at least 21 days before renewing the licence, the Minister has—

(i) published, in one or more newspapers circulating in the locality, notice of his intention to do so, and

(ii) deposited in the office of the Geological Survey, Dublin and in one or more places in the locality, a map showing the boundaries of the land to which the licence relates.

( e ) On the renewal of a prospecting licence the licensee shall pay to the Minister such consideration therefor as the Minister, with the concurrence of the Minister for Finance, may determine."

1995 15 3

Validation of renewals and renewal clauses of certain prospecting licences. 3.—(1) Where a prospecting licence granted by the Minister under section 8 of the Principal Act has been renewed by the Minister prior to the passing of this Act, such renewal shall be and be deemed always to have been as valid and effectual as if the licence had been duly renewed in accordance with the clause deemed to have been inserted or contained in the said licence by virtue of subsection (6) (inserted by section 2 of this Act) of the said section 8.

(2) Every clause providing for the renewal or successive renewals of a prospecting licence contained in such a licence granted by the Minister under the said section 8 before the passing of the Minerals Development Act, 1995, shall be deemed to have been validly inserted therein in pursuance of a power in that behalf conferred on the Minister by the Principal Act.

(3) If, because of any validation expressed to be effected by subsection (1) or (2) of this section the said subsection (1) or (2) would, but for this subsection, conflict with a constitutional right of any person, the validation shall be subject to such limitation as is necessary to secure that it does not so conflict but shall be otherwise of full force and effect.

1995 15 4

Amendment of section 12 of Principal Act. 4.—Section 12 of the Principal Act is hereby amended by the insertion in paragraph (b) of subsection (3) thereof of "or renewal" after "grant".

1995 15 5

Application fees for certain State mining facilities. 5.—(1) Any person may apply to the Minister for—

( a ) a State mining lease under section 26 of the Principal Act,

( b ) a licence under section 17 of the Act of 1979,

( c ) an undertaking to grant a State mining lease or a licence under section 13 of the Principal Act, or

( d ) the carrying out of an undertaking referred to in paragraph (c) of this subsection.

(2) Any application for a licence, lease, undertaking, or the carrying out of an undertaking specified in subsection (1) of this section shall be subject to such fees, payable in such manner, as the Minister may, with the consent of the Minister for Finance, prescribe by regulations.

(3) Regulations made under this section may provide for different provisions in respect of different classes of cases and different circumstances.

(4) Where under regulations made under this section a fee is payable in respect of any application, the application shall not be considered or decided, as the case may be, by the Minister unless the Minister is in receipt of the fee or the appropriate part thereof, as the case may be.

(5) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

1995 15 6

Increase in penalties for certain offences. 6.—A person who is guilty of an offence under section 11 (3), 27 (3), 32 (3), 36 (2), 56 (2), 74 (1), 75 (5) or 76 (2) of the Principal Act shall, in lieu of the penalty prescribed by the particular section concerned, be liable—

( a ) on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both, or

( b ) on conviction on indictment to a fine or to imprisonment for a term not exceeding 3 years or to both.

1995 15 7

Offences by bodies corporate. 7.—(1) Where an offence under the Minerals Development Acts, 1940 to 1995, has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) of this section shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

1995 15 8

Expenses. 8.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

1995 15 9

Short title, collective citation and construction. 9.—(1) This Act may be cited as the Minerals Development Act, 1995.

(2) The Minerals Development Acts, 1940 to 1979, and this Act may be cited together as the Minerals Development Acts, 1940 to 1995, and shall be construed together as one.

#### ACTS REFERRED TO

Minerals Development Act, 1940 1940, No. 31

Minerals Development Act, 1979 1979, No. 12

Minerals Development Acts, 1940 to 1979

Source: Irish Statute Book Database