

S.I. No. 340/1979 — Minerals Development Regulations, 1979.

S.I. No. 340/1979:

MINERALS DEVELOPMENT REGULATIONS, 1979.

MINERALS DEVELOPMENT REGULATIONS, 1979.

I, DESMOND O'MALLEY, Minister for Industry, Commerce and Energy, in exercise of the powers conferred on me by section 80 of the Minerals Development Act, 1940 , and section 9 of the Minerals Development Act, 1979 , and, insofar as these Regulations relate to the amount or collection of any fees, with the consent of the Minister for Finance, hereby make the following Regulations:

PART I. PRELIMINARY.

Short title.

1. These Regulations may be cited as the Minerals Development Regulations, 1979, and shall come into operation on the 1st day of November, 1979.

Definitions.

2. In these Regulations "the Act of 1940" means the Minerals Development Act, 1940 , and "the Act of 1979" means the Minerals Development Act, 1979 .

PART II. APPLICATIONS AND FORMS.

Applications for prospecting licences.

3. (1) Every application under section 9 of the Act of 1940 for a prospecting licence shall:

(*a*) be made in Form No. 1 set out in the First Schedule, and

(*b*) be accompanied by a fee of £10.00, and

(*c*) when duly completed, be lodged, together with the appropriate fee, with the Minister at his office in Dublin.

(2) Every applicant for a prospecting licence shall comply with the requirements of Form No. 1 and in particular shall furnish evidence as to his character, financial standing and technical qualifications in the manner required by that form.

(3) It shall be a condition precedent to the grant of every prospecting licence that the applicant shall, on or before the granting of such licence, give security to the satisfaction of the Minister for the due fulfilment of his obligations thereunder, and for that purpose the applicant shall specify in his application the nature of the security which he proposes to give and shall, on or before the grant of the licence, deposit with the Minister the proposed security and such (if any) further or other security as the Minister may require.

Application for ancillary rights licences.

4. (1) Every application under section 40 of the Act of 1940 for an ancillary rights licence shall be made in Form No. 2 set out in the First Schedule and shall be verified in the manner and contain the particulars required by the said form.

(2) The application shall, when duly completed, be lodged with the Minister at his office in Dublin.

(3) Within seven days from the date upon which the application is lodged with the Minister, the applicant shall serve a copy of the completed form on each (if any) of the persons named by him at paragraph V (a) thereof as persons who have power to grant or whose concurrence is necessary for the exercise of the licence applied for.

(4) Every copy of an application required to be served on any person under paragraph (3) shall be so served by delivering it to that person or by sending it by registered post addressed to that person at his last known address.

(5) Any person on whom a copy of an application is served under this regulation may, if he so thinks fit, at any time within a period of six weeks after the service of such copy on him, make representations to the Minister in respect of the said application.

Applications for preservation of support orders.

5. (1) Every application under section 42 of the Act of 1940 for a preservation of support order shall be made in Form No. 3 set out in the First Schedule and shall be verified in the manner and contain the particulars required by that form.

(2) The application shall, when duly completed, be lodged with the Minister at his office in Dublin.

(3) Within seven days from the date upon which the application is lodged with the Minister, the applicant shall serve a copy of the completed form on each (if any) of the persons named by him at paragraph VI (a) thereof as persons who have power to grant a right of support for the building mentioned in the said form.

(4) Every copy of an application required to be served on any person under paragraph (3) shall be so served by delivering it to that person or by sending it by registered post addressed to that person at his last known address.

(5) Any person on whom a copy of an application is served under this regulation may, if he so thinks fit, at any time within a period of six weeks after the service of such copy on him, make representations to the Minister in respect of the said application.

Applications for the registration of minerals as excepted minerals.

6. (1) Every application under section 15 of the Act of 1979 for the registration of any minerals as excepted minerals shall be made in Form No. 4 set out in the First Schedule and shall be verified in the manner and contain the particulars required by that form.

(2) The application shall, when duly completed, be lodged with the Mining Board at its office in Dublin at any time within a period of six months from the coming into operation of these Regulations.

Notice of applications for the registration of minerals as excepted minerals.

7. (1) Every notice of an application under section 15 of the Act of 1979 for the registration of minerals as excepted minerals served by the Mining Board on the Minister and on such persons as may appear to the Board to have an interest in the proceedings shall fix a time within which any act or step required to be done or taken by the notice is to be done or taken and shall state what shall be the consequence of any omission to comply therewith.

(2) The notice shall also state in what manner and within what time an answer, objection or other communication, if any, arising out of the notice is to be made and the address at or to which it is to be delivered or sent.

(3) The notice referred to in paragraph (1) shall in every case be delivered or sent by registered post to such persons.

Notice of applications for the cancellation of the registration of minerals as excepted minerals.

8. (1) Every notice of an application by the Minister under section 16 of the Act of 1979 for the cancellation of the registration of minerals as excepted minerals served by the Mining Board on such persons as may appear to the Board to have an interest in the proceedings shall fix a time within which any act or step required to be done or taken by the notice is to be done or taken and shall state what shall be the consequence of any omission to comply therewith.

(2) The notice shall also state in what manner and within what time an answer, objection or other communication, if any, arising out of the notice is to be made and the address at or to which it is to be delivered or sent.

(3) The notice referred to in paragraph (1) shall in every case be delivered or sent by registered post to such persons.

Decisions of the Mining Board.

9. (1) Every decision of the Mining Board on an application under section 15 or 16 of the Act of 1979 shall be made by ruling signed by the Board members and entered in a ruling book to be kept for that purpose.

(2) Every ruling shall state the grounds of the decision given.

Notice under section 18 of the Act of 1979 in relation to a proposal to exercise powers.

10. (1) Every notice given by the Minister to any person under section 18 of the Act of 1979 in relation to a proposal by the Minister to exercise powers shall fix a time within which any act or step required to be done or taken by the notice is to be done or taken and shall state what shall be the consequence of any omission to comply therewith.

(2) The notice shall also state in what manner and within what time an answer, objection or other communication, if any, arising out of the notice is to be made and the address at or to which it is to be delivered or sent.

(3) The notice referred to in paragraph (1) shall in every case be delivered or sent by registered post to such person.

Notice under section 19 of the Act of 1979 to persons entitled to compensation.

11. (1) Every notice given to any person under section 19 of the Act of 1979 who has claimed to be entitled to any estate or

interest in the minerals shall fix a time within which any act or step required to be done or taken by the notice is to be done or taken and shall state what shall be the consequence of any omission to comply therewith.

(2) The notice shall also state in what manner and within what time an answer, objection or other communication, if any, arising out of the notice is to be made and the address at or to which it is to be delivered or sent.

(3) The notice referred to in paragraph (1) shall in every case be delivered or sent by registered post to such person.

Claims for compensation under Part III of the Act of 1979.

12. (1) Any person who claims to be entitled to compensation under Part III of the Act of 1979 in respect of a right vested in the Minister under section 12 of that Act shall make such claim in Form No. 5 set out in the First Schedule and the claim shall be verified in the manner and contain the particulars required by that form.

(2) Every claim to compensation may be made at any time within two months or such longer time (not exceeding altogether twelve months) as the Minister may in any particular case allow, after the first publication in *Iris Oifigiúil* of the notice specified in section 19 of the Act of 1979 or, in the case of any person individually notified, from the date of such notification.

(3) Where the Minister is satisfied that good reasons exist for the failure of any person to submit a claim for compensation within the period specified in paragraph (2) his claim may be accepted after the expiration of that period.

Furnishing of information by lessees and licensees of State minerals.

13. (1) Every lessee of a State mining lease or licensee under section 17 of the Act of 1979 shall, at least once in every period of six months furnish to the Minister a return in accordance with Form No. 6 set out in the First Schedule, giving such information in relation to the minerals and the working of the minerals to which the lease or licence relates as is required by that form.

(2) The information required to be given under this regulation shall be in addition and without prejudice to any information required to be furnished under subsection (1) of section 27 of the Act of 1940.

PART III. TERMS AND CONDITIONS INCORPORATED IN PROSPECTING LICENCES.

Incorporation of model clauses in prospecting licences.

14. Without prejudice to the power of the Minister under subsection (1) of section 8 of the Act of 1940 to specify in a prospecting licence such terms and conditions as he thinks proper, and subject to the provisions of the said section 8, there shall be incorporated in every prospecting licence such of the model clauses set out in the Second Schedule as the Minister may, in any particular case, consider appropriate, and any such model clause may be so incorporated with such modifications or variations as the circumstances of any particular case may require.

PART IV. PROCEEDINGS BEFORE THE MINING BOARD.

Times and places of sittings.

15. (1) The Board shall sit at such times and, with the approval of the Minister, at such places as it may, from time to time, consider convenient for the discharge of its functions.

(2) The Board may at any time adjourn a sitting of the Board.

Applications under Part VI of the Act of 1940 in relation to persons who cannot be ascertained or found.

16. (1) Whenever, in the case of any application under Part VI of the Act of 1940 for an ancillary rights licence or a preservation of support order, the applicant states in his application that any of the persons on whom he is required by these Regulations to serve a copy of such application cannot be ascertained, or if ascertained, cannot be found, it shall not be necessary for the applicant to serve a copy of the application on that person, and the absence of such service shall not invalidate such application.

(2) If any application to which the provisions of paragraph (1) apply is referred by the Minister to the Board for inquiry and report under section 46 of the Act of 1940, the Board may, if it so thinks fit, require the applicant either:

(*a*) to satisfy the Board, by affidavit, oral evidence or otherwise, that any person upon whom (but for the said paragraph) he would be required to serve a copy of such application cannot be ascertained, or if ascertained, cannot be found, or

(*b*) to take such further steps as the Board may direct to ascertain or find such person,

and the applicant shall comply with such requisition.

(3) Whenever the Board directs an applicant under subparagraph (*b*) of paragraph (2) to take further steps to ascertain or find any person, the Board may adjourn its sittings in relation to the application of such applicant until the steps so directed to be taken are taken to the satisfaction of the Board.

Notice of sittings in the case of inquiries under Part VI of the Act of 1940.

17. (1) Whenever the Board holds an inquiry in relation to an application for an ancillary rights licence or a preservation of support order under section 46 of the Act of 1940, the Board shall, not less than twenty-one days before the holding of such inquiry, give notice in writing of its intention to hold the same and of the time and place at which it proposes to hold sittings for the purposes thereof to each of the following persons, namely:

(*a*) the Secretary, Department of Industry, Commerce and Energy;

(*b*) the Secretary, Department of Agriculture;

(*c*) the applicant;

(*d*) each of the persons named in the said application upon whom, in pursuance of these Regulations, a copy of the application is required to be served;

(*e*) every person who has made representations to the Minister in relation to the said application within the time limited by these Regulations for the making of such representations.

(2) The notice required to be given by paragraph (1) shall in every case be delivered or sent by post and in the case of every person mentioned in subparagraph (*d*) of that paragraph be delivered, or sent by registered post to such person at the address stated in the application or at his last known address or, in the case of every person mentioned in subparagraph (*e*) be delivered,

or sent by registered post addressed to such person at his last known address.

(3) In addition to the notice required by the foregoing paragraphs of this regulation to be given of the holding of an inquiry under section 46 of the Act of 1940, the Board may, if it considers it necessary to do so, give such additional notice of the holding of such inquiry and of the times and places of the sittings of the Board for the purposes thereof as will enable—

(*a*) any person claiming to have an estate or interest in any minerals which are the subject of the application in relation to which such inquiry is being held, and

(*b*) any other person in respect of whom it appears to the Board that he would be substantially affected by the grant of such application

to appear at such inquiry and, in exercise of the right conferred on him by subsection (1) of section 46 of the Act of 1940, be heard and adduce evidence.

Notice of sittings in the case of inquiries under section 18 of the Act of 1979.

18. (1) Whenever the Board holds an inquiry concerning representations made under section 18 of the Act of 1979 the Board shall, not less than twenty-one days before the holding of such inquiry, give notice in writing of its intention to hold an inquiry and of the time and place at which the Board proposes to hold its sittings for the purposes thereof to each of the following persons, namely:

(*a*) persons who duly made representations;

(*b*) the Minister;

(*c*) any person claiming to have an estate or interest in any minerals which are the subject of the Minister's proposal under section 18 of the Act of 1979;

(*d*) any other person in respect of whom it appears to the Board that he would be substantially affected by the carrying out of the Minister's proposal under section 18 of the Act of 1979.

(2) The notice required to be given by paragraph (1) shall in every case be delivered or sent by post to every such person, and in the case of every person mentioned in subparagraph (*a*), (*c*) or (*d*) of that paragraph be delivered or sent by registered post to such person at the address stated in the application or at his last known address, as the case may be.

Engagement of consultants and advisers.

19. The Board may from time to time with the concurrence of the Minister engage such consultants and advisers as it may consider necessary for the discharge of its functions and payments due to a consultant or adviser engaged pursuant to this regulation shall be paid as part of the administration expenses of the Minerals Development Acts, 1940 to 1979.

Register for the purpose of sections 15 and 16 of the Act of 1979.

20. A register for the purpose of sections 15 and 16 of the the Act of 1979 shall be maintained by the Mining Board and shall be available for inspection at any reasonable time.

Notice of sittings in proceedings under Part VII of the Act of 1940 for compensation.

21. Whenever an application under Part VII of the Act of 1940 is made to the Board to determine the amount of compensation payable under that Act, the Board shall give notice of its intention to hear such application and of the times and places at which the Board proposes to hear the application in such manner as will enable each of the persons mentioned in section 64 of the Act of 1940 to exercise (if he so wishes) the right conferred on him by that section to appear, be heard and adduce evidence before the Board, by counsel or solicitor or in person.

Notice of hearings by the Mining Board in the case of applications under Part III of the Act of 1979.

22. Whenever an application under Part III of the Act of 1979 is made to the Mining Board to determine any question arising as to the entitlement of any person to compensation under the Act of 1979 or as to the amount of such compensation, the Board shall give notice of its intention to hear such application and of the times and places at which it proposes to hear the application in such manner as will enable the following persons (if they so wish) to appear, be heard and adduce evidence before the Board, by counsel or solicitor or in person:

(a) the Minister;

(b) any person claiming to be entitled to such compensation;

(c) any person claiming to have an estate or interest in the minerals in respect of which such compensation is claimed.

Public and private sittings.

23. The sittings of the Board shall be open to the public unless, in its discretion, the Board considers, either of its own motion or at the instance of any person appearing or giving evidence before it, that the public should be excluded from any particular sitting or part of a sitting, in which case the Board may hold that sitting or part of a sitting in private.

Practice and procedure of the Board.

24. Subject to the provisions of the Minerals Development Acts, 1940 to 1979, and of these Regulations, the Board shall regulate its own practice and procedure.

PART V. MISCELLANEOUS FEES.

Fees on applications under Part VI of the Act of 1940.

25. The fee payable under section 45 of the Act of 1940 by an applicant for an ancillary rights licence or a preservation of support order shall be £30.00 in respect of each application.

Fees on applications under Part VII of the Act of 1940.

26. The fee payable under section 63 of the Act of 1940 on an application to determine compensation by a person other than the Minister or the Land Commission shall be £5.00 in respect of each application.

PART VI. REVOCATIONS.

Revocations.

27. The Minerals Development Regulations, 1941 (S.R. and O., No. 28 of 1941), are hereby revoked.

FIRST SCHEDULE

Form No. 1

ROINN TIONSCAIL TRÁCHTÁLA AGUS FUINNIMH

MINERALS DEVELOPMENT ACTS, 1940 to 1979

(Section 9 of the Act of 1940)

MINERALS DEVELOPMENT REGULATIONS, 1979, REGULATION 3.

APPLICATION FOR A PROSPECTING LICENCE

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

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.....

(2) Address(es) of Applicant(s)

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.....

(3) Address(es) of Applicant(s) Registered Office

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(4) Nationality of Applicant(s)

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(5) Occupation of Applicant(s)

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(6) In the case of a company the application must be accompanied by copies of its most recent Annual Report and Audited Accounts together with information concerning its share capital and details of significant shareholdings.

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(7) As detailed a description as possible of the area sought should be given. In the case of ground for which established boundaries are shown on the prospecting licence map, the area required can simply be referred to by one or more licence numbers. For "open ground" the boundaries required should be outlined in red on a one inch (or, where appropriate, six inch) Ordnance Sheet, or such other Ordnance Sheet as may be required by the Minister.....

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(8) A breakdown of the area the subject of the application in terms of sub-areas in order of priority of interest (where practical or relevant).....

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.....

(9) The basis of the interest of the applicant in this ground (which minerals are of interest, the basis for the belief that these minerals might be present etc.)

.....

.....

(10) (a) A full and detailed description of the programme of prospecting which the applicant proposes to carry out under the

Prospecting Licence, if granted, including particulars of any special techniques or equipment to be used
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(b) Estimates, for each year, of the proposed expenditure on each category of activity comprising the
programme.....

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(11) Information concerning the Applicant's previous experience in prospecting for minerals

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(12) Names, addresses, qualifications and experience of technical experts or advisers who will organise and carry out the
prospecting programme

.....

.....

.....

(13) Amount of capital for operations under the Licence applied for

(a) At present available

.....

(b) Which applicant can make available and the source

.....
and the source
.....

*(14) Security which will be given for the due fulfilment of Licensee's obligations under the Prospecting Licence, if granted
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.....
.....

*See Note (ii) below

(15) Names and addresses of three persons to whom the Minister can refer for evidence as to character, financial standing and technical qualifications of the applicant(s)

- (a)
.....
- (b)
.....
- (c)
.....

I/We hereby declare that all the foregoing particulars are correct. I/We enclose herewith the Ordnance Sheets referred to under (7) and a remittance of £10.00 being the prescribed fee on application.

Signature(s) of Applicant(s)
.....
.....
Date

THE SECRETARY,

Department of Industry, Commerce and Energy,

Dublin 2.

Notes:—

(i) Licences are issued initially for a 2 year period.

(ii) The security required at (14) is a cash deposit from which the Minister will be authorised to meet claims for compensation arising out of operations under the licence if not met by the licensee, or a bond (entered upon with some Insurance Company approved of by the Minister) for the due observance and discharge of all the obligations under the licence.

FORM No. 2

ROINN TIONSAIL, TRÁCHTÁLA AGUS FUINNIMH

MINERALS DEVELOPMENT ACTS, 1940 TO 1979

(Section 40 of the Act of 1940)

MINERALS DEVELOPMENT REGULATIONS, 1979, REGULATION 4.

FORM OF APPLICATION FOR AN ANCILLARY RIGHTS LICENCE

I, I (or we)¹

of

hereby apply to the Minister for Industry, Commerce and Energy for the grant of the following ancillary right(s):—²

for the proper and efficient working of the minerals comprised in or lying under the area or areas delineated on the attached six inch Ordnance Sheet (or such other Ordnance Sheet as may be required by the Minister) which is submitted in duplicate. The townlands in respect of which such ancillary rights are sought are specified on the attached sheet which is also submitted in duplicate.

II. To the best of my (or our) knowledge, the minerals in respect of which the aforesaid application is made are of the following nature:—³

III. I (or we) hereby furnish such plans, maps and sections as are required to explain in detail the nature and working of the licence applied for.

IV. I (or we) have a right to work the minerals in respect of which the aforesaid application is made by virtue of:—⁴

V. (a) The names and postal addresses of the persons who have power to grant or whose concurrence is necessary for the exercise of the right or rights applied for are as follows:—⁵

(b) The titles under which the above persons have power to grant the right or rights applied for or under which their concurrence is necessary for the exercise of such right or rights (as the case may be) are as follows:—⁶

VI. I (or we), having regard to the provisions of the [Minerals Development Act, 1940](#) , applicable to my (or our) case allege the following circumstances as justifying the grant of the licence applied for:—⁷

VII.I (or we) are of opinion that the licence applied for ought to be granted for the following periods:—⁸

VIII. I (or we) hereby certify that all the statements made in this application are true to the best of my (or our) knowledge, information and belief.

Signature of Applicant(s):

.....

Dated this..... day of..... 19.....

TO:

THE SECRETARY,

Department of Industry, Commerce and Energy,

Dublin 2.

Note:—Under section 40(4) of the Act of 1940 the persons on whom copies of this application are served are entitled to make representations to the Minister on the subject of the application.

Copies of the application should be served by the applicant on the persons mentioned at paragraph V of the form, by delivery or by sending by registered post, within seven days of lodging the application with the Minister (Regulation 4(3) Minerals Development Regulations, 1979).

1. Insert here the name and postal address of the applicant(s).
2. Here state the ancillary right or rights for which application for a licence is made.
3. Specify here the nature of the minerals.
4. Here state the applicant's title to work the minerals, e.g. registration as excepted minerals.
5. If such persons or any of them cannot be ascertained, a statement to that effect must be made here.

If such persons or any of them cannot be found, a statement to that effect must be made here.

6. A concise statement of the title of each person named in paragraph V (a) must be made here, except in a case where it is stated that the person cannot be ascertained.

7. In making this statement applicants should have regard to the provisions of section 41 of the Act enabling the grant of the licence applied for: and in particular to the obligation on applicants, of showing that it is not reasonably practicable to obtain the right by private arrangement.

8. Applicants should state here the period for which, in their opinion, the licence applied for should be granted. In making this statement applicants should state their reasons for their opinion as to the duration of the grant of the licence.

FORM No. 3

ROINN TIONSCAIL, TRÁCHTÁLA AGUS FUINNIMH

MINERALS DEVELOPMENT ACTS, 1940 TO 1979

(Section 42 of the Act of 1940)

MINERALS DEVELOPMENT REGULATIONS, 1979, REGULATION 5.

FORM OF APPLICATION FOR PRESERVATION OF SUPPORT ORDER (FOR IMPOSITION OF RESTRICTIONS ON THE WORKING OF MINERALS REQUIRED FOR SUPPORT)

I. I (or we)¹

of.....

hereby apply to the Minister for Industry, Commerce and Energy for the imposition of such restrictions on the working of the minerals under or adjacent to the area or areas delineated on the attached six-inch Ordnance Sheet (or such other Ordnance Sheet as may be required by the Minister) which is submitted in duplicate, as he may consider necessary to secure sufficient support to the following buildings or works erected or constructed, or intended to be erected or constructed, on or below the surface of such lands, namely:—²

II. I (or we) are of opinion that the following restrictions on the working of the minerals are necessary to secure the support referred to in the preceding paragraph, namely:—³

III. To the best of my (or our) knowledge the minerals in respect of which the restrictions are sought are of the following nature:—⁴

IV. I (or we) hereby furnish such maps, plans and sections as are required to explain in detail the nature of the support required having regard to the particular buildings or works referred to in paragraph (1).

V. I (or we) have an interest in the lands delineated on the map referred to in paragraph (1) by virtue of:—⁵

VI. (a) The names and postal addresses of the persons who have power to grant a right of support for the buildings or works mentioned in paragraph (1) are as follows:—⁶

(b) The titles under which such persons have power to grant such right of support are as follows:—⁷

VII. I (or we) allege:—⁸

VIII. I (or we) are of opinion that the restrictions sought ought to be imposed for the following period:—⁹

IX. I (or we) hereby certify that all the statements made in this application are true to the best of my (or our) knowledge, information and belief.

Signature of Applicant(s)

.....

.....

Dated this..... day of..... 19.....

TO:

THE SECRETARY,

Department of Industry, Commerce and Energy,

Dublin 2.

Note:—Under section 42(4) of the Act of 1940, the persons on whom copies of this application are served are entitled to make representations to the Minister on the subject of the application.

Copies of the application should be served by the applicant on the persons mentioned at VI of the form, by delivery or by sending by registered post, within seven days of lodging the application with the Minister. (Regulation 5(3) Minerals Development Regulations, 1979).

1. Insert here the name and postal address of the applicant(s).

2. Here state the nature of the buildings or works, specifying those already erected or constructed and those intended to be erected or constructed.

3. Here state the nature of the restrictions which, in the opinion of the applicant(s), ought to be imposed.

4. Here specify the nature of the minerals, the working of which is sought to be restricted.

5. A concise statement of the applicant's interest in the lands must be made here.

6. If such persons or any of them cannot be ascertained, statement to that effect must be made here. If such persons or any of them cannot be found, a statement to that effect must be made here.

7. A concise statement of the title of each person named under paragraph VI (a) must be made here, except in a case where it is stated that the person cannot be ascertained.

8. The allegations must be made here which are required by [section 43](#) of the [Minerals Development Act, 1940](#) , as the basis of the particular application.

9. In making this statement applicants should state their reasons for their opinion as to the period of the imposition of restrictions.

FORM No. 4

ROINN TIONSCAIL, TRÁCHTÁLA AGUS FUINNIMH

MINERALS DEVELOPMENT ACTS, 1940 to 1979

(Section 15 of the Act of 1979)

MINERALS DEVELOPMENT REGULATIONS, 1979, REGULATION 6.

APPLICATION FOR REGISTRATION OF MINERALS AS EXCEPTED MINERALS

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

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.....

(2) Address(es) of Applicant(s)

.....

.....

(3) Nationality of Applicant(s).....

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(4) Situation and nature of minerals the subject of the application.....

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.....

(5) Particulars of the applicant's interest in the minerals in respect of which application for registration as excepted minerals is made.....

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.....

(6) Particulars of the tenure by which the mine of minerals in respect of which application for registration as excepted minerals is made is being worked or developed.....

.....

.....

(7) Set out such facts as are relied upon in support of the applicant's claim for registration of the minerals as excepted minerals.....

.....

.....

Applications for registration of minerals as excepted minerals shall, unless the Mining Board otherwise directs, be accompanied by:

- (a) a concise statement of the title to the minerals giving in chronological order a summary of the documents and the events and facts on which the applicant's claim to the minerals and to their registration as excepted minerals is based,
- (b) all original deeds and all documents in the applicant's possession, or under his control, relating to the minerals proving the facts stated and necessary to be proved to establish entitlement to the minerals and to their registration as excepted minerals,
- (c) Ordnance Sheet (in duplicate) on the scale of six inches to the mile (or such other Ordnance Sheet as may be required by the Minister) on which the area of the mine in work or being developed at the 15th December, 1978, is edged with a red verge line,
- (d) (I) for mines in work at 15th December, 1978—

copies of weekly work returns for the period from 1st July, 1978 to 15th December, 1978, or in the case of a mine which commenced work during that period, from such commencement date, showing the actual mining work carried on, the quantity and nature of minerals raised, sold or otherwise disposed of.

(II) for mines being developed at 15th December, 1978—

detailed report on all exploration and assessment work carried out since the discovery of the deposit including copies of feasibility studies, submissions by contractor(s) and development and mining plans and forecasts.
- (e) a schedule of all documents lodged with the application.

I/We declare that all the foregoing particulars are correct.

Signature of Applicant(s).....

.....

.....

Date

Note:—If the applicant is a company, this form must be sealed with the seal of the applicant; in every other case, this form must be signed by the applicant or, if there is more than one applicant, by all the applicants.

This form, when completed, must be sent to:—

The Secretary,

The Mining Board,

Dublin 2,

and must be lodged with the Mining Board within six months from the date of the coming into operation of these Regulations.

FORM No. 5

ROINN TIONSCAIL, TRÁCHTÁLA AGUS FUINNIMH

MINERALS DEVELOPMENT ACTS, 1940 TO 1979

(Section 19 of the Act of 1979)

MINERALS DEVELOPMENT REGULATIONS, 1979, REGULATION 12.

CLAIM FOR COMPENSATION

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

.....

.....

(2) Address(es) of Applicant(s).....

.....

.....

(3) Nature of the Applicant's interest in the minerals the subject of the application*.....

.....

.....

(4) Situation and nature of the minerals in respect of which such interest exists.....

.....

.....

(5) Claims or encumbrances to which the applicant's interest is subject.....
.....
.....

(6) If applicant is a tenant purchaser under the Land Purchase Acts state:

(a) Act under which purchase was made.....
.....

(b) Land Commission Receivable Order number.....
.....

I/We hereby declare that all the foregoing particulars are correct.

Witness to the signature of		Signature†
.....		
.....		
.....		
.....		
Signature of Witness.....		
.....		
.....		
Address.....		
.		
.....		
.....		
‡Occupation.		Date.....
.....		
Date.....		
.....		

THE SECRETARY,

Department of Industry, Commerce and Energy,

Dublin 2.

*Documents in support of the claim should not be forwarded until requested by the Department.

‡ The witness to Applicant's signature must state his Profession, or Occupation and give a permanent address. He should be a

person of known position as a District Justice, Peace Commissioner, Solicitor, Clergyman or Registered Medical Practitioner.

† The Applicant should sign here.

Form No. 6

ROINN TIONSCAIL, TRÁCHTÁLA AGUS FUINNIMH

MINERALS DEVELOPMENT ACTS, 1940 to 1979

(Section 27(2) of the Act of 1940; Section 9 of the Act of 1979)

MINERALS DEVELOPMENT REGULATIONS, 1979, REGULATION 13.

RETURN BY LESSEE OF STATE MINING LEASE OR BY A LICENSEE OF A LICENCE TO WORK STATE MINERALS.

Return for period of six months from.....

.....day of..... 19.....

to.....day of..... 19.....

with reference to Lease/Licence No.....

comprising areas situate in.....

and leased/licensed to.....

1. Number of days' labour performed:—

(a) in actual prospecting

(b) in actual mining

2. On what area, if any, was

(a) actual prospecting done

(b) actual mining carried out

3. Description of all exploration and assessment work carried out on the lease/licence area.
4. Description of all mining activity carried out, supported by plans and sections clearly showing the extent of working since the last return.
5. Statement of quantities of ore and waste raised, its grade, tonnage milled and stockpiled; tonnage of concentrates produced, its grade, recovery rate, quantity disposed of, quantity of concentrate stockpiled in period being reported, total quantity of ore and concentrates held in stockpiles at mine or other place at end of reporting period.
6. Statement of in situ ore reserves at end of reporting period.
7. Statements of expenditures on
- (1) exploration
- (2) reserve assessment and mine development work
- (3) actual mining activity
- (4) other significant operating costs incurred in the reporting period.
8. Brief statement of planned operations for the next 6 months particularly where significant new developments, new extractive or milling techniques, are being adopted.

I/We*
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Lessee(s)/ Licensee(s) of the above named and described areas, do solemnly and sincerely declare that I/We have personal knowledge of the several facts stated in the foregoing return, and that to the best of my/our knowledge and belief the foregoing statements are, and each of them is, true and correct. And I/We make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the [Statutory Declarations Act, 1938](#) .

Signature(s) of Declarant(s).†

.....

.....

.....

.....

Declared before me by the said

who is/are personally known to me (or who is/are identified to me by.....who is personally known to me).

(Signed)

Peace Commissioner

Note:—

Subsection 3 of [section 27](#) of the [Minerals Development Act, 1940](#) (relating to the furnishing of information by lessees of State mining leases) reads:—

"If any person who is required by this section or by any regulation made thereunder to furnish any information to the Minister
—

- (a) fails or refuses to furnish such information, or
 - (b) knowingly furnishes any such information which is false or misleading in a material particular, or
 - (c) otherwise makes default in complying with the provisions of this section or of any regulation made thereunder,
- 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 such offence is continued."

*Full name(s) of Lessee(s)/Licensee(s) to be inserted here.

† Declarant(s) shall sign in full here.

To be sent, when completed, to:—

THE SECRETARY,

Department of Industry, Commerce and Energy,

Dublin 2.

SECOND SCHEDULE

MODEL CLAUSES

CLAUSES TO BE INCORPORATED IN PROSPECTING LICENCES UNDER PART II OF THE MINERALS DEVELOPMENT ACT, 1940 .

Interpretation.

1. In these Model Clauses

- (1) The "Act" means the Minerals Development Act, 1940 .
- (2) The "Licensee" means the person to whom a licence under the Act is granted, his successors in title and the persons deriving title under him.
- (3) The "Minister" means the Minister for Industry, Commerce and Energy.
- (4) The "Licensed area" means the area for the time being upon which the Licensee may exercise powers and privileges granted by this Licence.

Right to prospect.

2. In consideration of the sum of £ paid by the Licensee, the Minister, in exercise of the powers conferred by the Act, hereby authorises the Licensee during the continuance of this Licence and subject to the provisions of Part II of the Act, to enter on all those lands having a superficial area of..... sq. miles/sq. kms. or thereabouts situate in the County (Counties) of

..... delineated and described on the one inch Ordnance Survey Map (or such other Ordnance Survey Map as may be required by the Minister) annexed hereto and thereon edged with a red verge line, and there to do all such things as the Licensee considers necessary or desirable for the purpose of ascertaining the character, extent or value of the minerals lying on or under such land and in particular, and without prejudice to the generality of the foregoing power, for the purposes aforesaid to make borings, sink pits, remove water from old workings, and take and remove reasonable quantities of any such minerals for the purpose of analysis, test, trial, or experiment.

Term of Licence.

3. This Licence, unless sooner revoked or terminated under Section 12 of the Act, shall be and continue in force for the term of two years from the.....day of..... 19..... The Minister may, at his discretion, on an application made in that behalf by the Licensee in writing grant a renewal of this Licence in respect of the whole of the licensed area, or any particular part thereof for a further term.

Working obligations.

4. The Licensee shall during the term hereby granted or any renewal thereof carry out with due diligence the scheme of prospecting or development, including geological or geophysical survey and programme of test drilling agreed by the Minister and the Licensee and set out in the Schedule to this Licence; provided that the Licensee shall not be held liable for non-performance of any of the foregoing obligations in any case where non-performance was caused by an Act of God.

Avoidance of harmful methods of prospecting.

5. The Licensee shall execute all operations in or in connection with the licensed area in a proper and workmanlike manner in accordance with the methods and practice customarily used in good prospecting practice. The Licensee shall comply with any instructions from time to time given by the Minister in writing relating to any of these matters. The Licensee shall comply with any instructions from time to time given by the Minister in writing for securing the health and safety of persons employed in or about the licensed area.

Protection of mines and coal seams.

6. Where any borehole drilled within the licensed area shall penetrate any mine or any workable seam of coal, the Licensee shall case or plug such borehole in such manner as to prevent any water in the borehole from entering such mine or workable seam of coal.

Preservation of amenities.

7. The Licensee shall carry out all operations within the licensed area in such manner as not to interfere unnecessarily with the amenities of the locality in which the licensed area is situate.

Plans and records.

8. The Licensee shall at his own expense furnish to the Minister such plans and information as to the progress of operations in the licensed area including details of all occurrences of minerals of potential economic significance as the Minister may from time to time require.

Notification of disputes.

9. The Licensee shall forthwith inform the Minister in writing of the making of any claim or the commencement of any action, suit, proceeding or arbitration arising out of the exercise or purported exercise of the rights and privileges granted by this Licence, or arising from or attributed to any act or omission of the Licensee or the officers, servants, employees or workmen of the Licensee or contractors or persons in privity with the Licensee and shall furnish to the Minister all the information which the Minister may from time to time require as to any such claim, action, suit, proceeding or arbitration.

Local resident manager.

10. The Licensee shall, before commencing any operations in the licensed area, furnish to the Minister the name and address of the manager resident in the locality of the licensed area under whose supervision such operations are to be carried on. Any notice which the Minister, or any person authorised by him is, in accordance with the terms of this Licence, required or entitled to serve, upon the Licensee shall be sufficiently served if the same shall be delivered or sent by post to such Manager at such address.

Indemnity against certain claims and demands.

11. The Licensee shall at all times keep the Minister effectually indemnified against any claim or demand whatsoever in respect of the land or the minerals which are the subject of this Licence or for injury or damage to any person or property or for nuisance or in any way arising out of or attributed to the exercise of any of the rights and privileges conferred on the Licensee by this Licence or attributed to any act or omission of the Licensee or the officers, servants, employees or workmen of the Licensee or contractors or persons in privity with the Licensee whether such claims shall be made against the Licensee or the Minister or the Licensee and the Minister jointly or severally or with others.

Security for compensation.

12. (1) The Licensee shall pay and discharge all claims for compensation properly made in respect of damage caused by the Licensee or the officers, servants, employees or workmen of the Licensee or contractors or persons in privity with the Licensee to land or minerals or water supplies or in respect of nuisance or in respect of injury to the person, property or stock attributed to the act or omission of the Licensee or the officers, servants, employees or workmen of the Licensee or contractors or persons in privity with the Licensee.

(2) If the Licensee shall fail to pay and discharge the claims referred to in sub-clause (1) within three months after being put on notice thereof, the Minister shall be entitled to pay compensation and costs to the claimants in settlement or towards and on account of all such claims as are brought to his notice *and* the Licensee will forthwith repay to the Minister on demand all moneys so paid by the Minister and will recoup and reimburse the Minister in respect of all outlays, expenses and costs incurred by the Minister in treating with, negotiating on, or defending such claims.

(3) The Minister shall make reasonable inquiry into claims coming to his notice but shall be entitled to make payments as provided by sub-clause (2) notwithstanding that such claims may be made against the Licensee alone or the Minister alone or the Licensee and the Minister jointly and severally, or against them or either of them with others, without being obliged to require formal legal proofs thereof or to secure the concurrence of the Licensee in such payments.

(4) The provisions under this clause shall not be construed to derogate from or modify the indemnity afforded the Minister by the Licensee as provided by clause II hereof.

Fencing of openings, etc.

13. The Licensee shall keep all openings, excavations, and underground workings made in exercise of the rights conferred on him by this Licence properly fenced for the protection of man and beast to the satisfaction of the Minister and shall at the expiration or sooner revocation or termination of this Licence leave all such openings, excavations, and underground workings so fenced as aforesaid and also in such condition that subsidence of the surface is guarded against to the satisfaction of the Minister, and, if the Licensee shall fail so to fence or to leave so fenced any such opening, excavation, or underground working or shall fail to leave any such opening, excavation or underground working in such condition as aforesaid, the Minister shall be entitled (as the case may be) to fence such opening, excavation, or underground working to his satisfaction or to take such steps as he thinks proper to guard against such subsidence of the surface and the expenses incurred by the Minister in so doing shall be paid to him on demand by the Licensee.

Assignment of licence.

14. Without the prior consent, in writing, of the Minister the Licensee shall not assign, or attempt to assign, the rights or any of the rights granted by this Licence to any person or sublicence or part with the possession of any of the rights hereby granted.

Rights of Third Parties.

15. The Licence hereby granted is not an exclusive licence. The Licensee shall not do anything or cause or permit anything to be done by any person on his behalf which would, or would tend to, obstruct or impede any other person lawfully exercising rights under a prospecting licence duly granted to such person by the Minister.

Rights of access.

16. Any person or persons authorised by the Minister shall be entitled at all reasonable times to enter into and upon the licensed area and all workings of the Licensee thereon or thereunder for the purpose of verifying that the conditions of the Licence are being complied with.

GIVEN under my Official Seal, this 12th day of October, 1979.

DESMOND O'MALLEY,

Minister for Industry, Commerce and Energy.

The Minister for Finance hereby consents to the foregoing Regulations insofar as they relate to the amount or collection of any fees.

GIVEN under my Official Seal, this 12th day of October, 1979.

SEOIRSE Ó COLLA,

Minister for Finance.

EXPLANATORY NOTE.

These Regulations, which come into operation on the 1st day of November, 1979, and which revoke the Minerals Development Regulations, 1941, essentially prescribe the form and manner in which applications are to be made for:

prospecting licences;

ancillary rights licences;

preservation of support orders;

registration of minerals as excepted minerals;

compensation in respect of the vesting in the Minister of the exclusive right of working minerals under the Act of 1979. They also make provision in relation to the furnishing of information by lessees and licensees of State minerals.

The Regulations also prescribe the terms and conditions that may be incorporated in prospecting licences, and provide for proceedings before the Mining Board and for certain revisions of the miscellaneous fees payable.

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