PETROLEUM AND OTHER MINERALS DEVELOPMENT ACT, 1960

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AN ACT TO VEST IN THE MINISTER FOR INDUSTRY AND COMMERCE ALL PROPERTY IN PETROLEUM EXISTING IN ITS NATURAL CONDITION IN STRATA, TO MAKE FURTHER AND BETTER PROVISION FOR THE WORKING AND DEVELOPMENT OF SUCH PETROLEUM, TO AMEND THE MINERALS DEVELOPMENT ACT, 1940, AND TO PROVIDE FOR CERTAIN OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID.

[10*th March 1960.]*

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Short title.

1.—This Act may be cited as the Petroleum and Other Minerals Development Act, 1960.

Definitions.

2.—(1) In this Part—

"ancillary rights" has the meaning assigned to it by section 3 of this Act;

"the Board" means the Mining Board established by section 33 of the Minerals Development Act, 1940 (No. 31 of 1940);

"exploration licence" has the meaning assigned to it by section 8 of this Act;

"land" includes foreshore and land covered with water;

"the Land Commission" means the Irish Land Commission;

"land purchase annuity" means a land purchase annuity payable under the Land Purchase Acts to the Land Commission;

"the Minister" means the Minister for Industry and Commerce;

"the operative date" means the date of the passing of this Act;

"petroleum" includes any mineral oil or relative hydrocarbon and natural gas and other liquid or gaseous hydrocarbons and their derivatives or constituent substances existing in its natural condition in strata (including, without limitation, distillate, condensate, casinghead gasoline and such other substances as are ordinarily produced from oil and gas wells) and includes any other mineral substance contained in oil and natural gas brought to the surface with them in the normal process of extraction, but does not include coal and bituminous shales and other stratified deposits from

which oil can be extracted by distillation;

"petroleum lease" has the meaning assigned to it by section 13 of this Act;

"petroleum prospecting licence" has the meaning assigned to it by section 9 of this Act;

"petroleum well" means a boring or other excavation in the earth's crust made for the purpose of extracting petroleum;

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Minister under this Part;

"rent" includes any periodical payment in the nature of rent;

"reserved area licence" has the meaning assigned to it by section 19 of this Act;

"royalty rent" means a rent calculated by reference to the quantity, price or value of petroleum gotten;

"State petroleum" means petroleum, the property in which was immediately before the operative date vested in the State;

"surface" when used in relation to land, includes any buildings, works, or thing erected, constructed or growing on such land;

"working" when used in relation to petroleum, includes digging, searching for, boring for, getting, raising, taking, carrying away, storing and treating petroleum, and cognate words shall be construed accordingly;

"working facilities acquisition order" has the meaning assigned to it by section 23 of this Act;

"working facilities permit" has the meaning assigned to it by section 26 of this Act;

"working facilities (State land) permit" has the meaning assigned to it by section 27 of this Act.

(2) In this Part, references to the licensee under a licence granted under this Part shall, where the context so permits, be construed as including references to the executors, administrators and assigns of the licensee.

"Ancillary rights".

3.—The following rights shall be ancillary rights for the purposes of this Part, and, in this Part, the expression "ancillary rights" shall be construed accordingly, that is to say:—

(*a*) a right to let down the surface, including a right to let down superincumbent or adjacent strata up to and including 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 petroleum or machinery or the ventilation or drainage or working of petroleum wells;

(*c*) a right to do any of the following things—

(i) to construct, operate and maintain roads and railways for the purpose of ingress and egress to or from any land specified in a petroleum lease,
(ii) to build, maintain, and operate on any such land such roads and railways as may be needed for the purpose of carrying on the exploration, prospecting, working, drilling and development of petroleum under such land, and for the purpose of access to any petroleum well, and the conveyance of petroleum from any petroleum well,
(iii) for all or any of the purposes aforesaid to use and occupy land and to exercise any rights in or over land or water;

(*d*) a right to lay pipe-lines, and to erect pumping and storage stations, loading racks, terminals and other facilities for the transport of petroleum;

(*e*) a right to use and occupy the surface of land for the excavation of reservoirs and settling ponds, laying of pipes, erection of facilities for pumping, storage, production of petroleum or manufacture of by-products, or other works, or for dwellings for persons employed in connection with the working of petroleum or with any such works as aforesaid;

(*f*) a right to a supply of water or other substances in connection with the working of petroleum, including a right to dig or drill wells;

(*g*) a right to dispose in a particular manner of water or other liquid matter obtained from petroleum wells or any by-product works;

(*h*) a right to dispose in a particular manner of waste products obtained in connection with the working of petroleum;

(*i*) a right to dam or divert any river or watercourse, including an artificial watercourse;

(*j*) a right to divert sewers, watermains and pipes;

(*k*) a right to divert a public road, street or way, or a private way, and to substitute for any existing bridge another bridge on a different site;

(*l*) a right to divert a railway or a tramway;

(*m*) a right to demolish buildings which impede the

proper working of petroleum.

Vesting of State petroleum in the Minister.

4.—On the operative date, all State petroleum shall vest in the Minister and his successors.

Vesting of other petroleum in the Minister.

5.—(1) On the operative date, the property in all petroleum which is not State petroleum shall vest in the Minister and his successors.

(2) Compensation shall be payable by the Minister in respect of all petroleum vested in the Minister and his successors by subsection (1) of this section, and the provisions of Chapter VI of this Part shall apply in respect of such compensation.

Restrictions on searching for and getting petroleum.

6.—(1) No person, other than the Minister, shall search for petroleum in any area in the State unless—

(*a*) he is the licensee under an exploration licence, a petroleum prospecting licence or a reserved area licence which is for the time being in force and includes that area, or

(*b*) he is the lessee under a petroleum lease which has not expired and which includes that area.

(2) No person, other than the Minister, shall get, raise, take or carry away petroleum found in any area in the State unless he is the lessee under a petroleum lease which has not expired and which includes that area.

(3) Every person who contravenes subsection (1) or (2) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds, together with, in the case of a continuing offence, a further fine not exceeding one hundred pounds for every day on which the offence is continued, or in the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(4) In a prosecution for an offence under this section, a certificate purporting to be signed by an officer of the Minister and to certify any one or more of the following matters—

(*a*) that the person charged was not on a specified day the holder of an exploration licence which was then in force and included a specified area,

(*b*) that the person charged was not on a specified day the holder of a petroleum prospecting licence which was then in force and included a specified area,

(*c*) that the person charged was not on a specified day the holder of a reserved area licence which was then in force and included a specified area,

(*d*) that the person charged was not on a specified day the lessee under a petroleum lease which had not then expired and included a specified area,

shall, without proof of the signature of the person purporting to sign such certificate or that he was an officer of the Minister, be evidence until the contrary is proved of such of those matters as are purported to be certified in and by such certificate.

Undertaking to grant explorations licences and petroleum prospecting licences.

7.—(1) The Minister may enter into an undertaking with any person to grant to him an exploration licence or a petroleum prospecting licence or both those licences.

(2) Where the Minister enters into an undertaking under this section it shall be lawful for him to carry out the undertaking.

Exploration licences.

8.—(1) The Minister may grant to any person such licence (in this Part referred to as an exploration licence) as is authorised by this section.

(2) Every exploration licence shall be granted upon such terms and conditions and in respect of such areas as the Minister thinks fit and specifies, therein.

(3) On the granting of the exploration licence the licensee shall pay to the Minister such consideration therefor as the Minister, with the concurrence of the Minister for Finance, may determine.

(4) Every exploration licence shall be expressed and operate to vest in the licensee the exclusive right of searching for petroleum in the area to which the licence extends.

(5) (*a*) An exploration licence shall not confer on the licensee any right to enter on land.

(*b*) Paragraph (*a*) of this subsection shall not be construed as preventing the licensee under an exploration licence from entering on land with the consent of the owner of the surface of that land.

(6) Every exploration licence shall contain an indemnity clause whereby the licensee indemnifies the Minister against any claim arising out of the exercise by the licensee of his rights under the licence.

(7) In this section "searching for petroleum" means the doing by the licensee under an exploration licence of

all such things as are in his opinion necessary or desirable for the purpose of ascertaining the character, extent or value of the petroleum in the area to which the licence extends and, in particular and without prejudice to the generality of the foregoing power, includes exploring for petroleum by using geological, geophysical, geochemical and topographic examination, making borings, sinking pits, removing water from old workings and taking and removing reasonable quantities of petroleum and other minerals for analysis, test, trial or experiment.

Petroleum prospecting licences.

9.—(1) The Minister may, subject to subsection (2) of this section, grant to any person a licence (in this Part referred to as a petroleum prospecting licence) in respect of petroleum under any land.

(2) The Minister shall not grant a petroleum prospecting licence in respect of petroleum under any land unless, at least twenty-one days before doing so, he has—

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

(*b*) deposited in the office of the Geological Survey, Dublin and in one or more places in the locality, a map showing the boundaries of such land.

(3) Every petroleum prospecting licence shall be granted upon such terms and conditions as the Minister thinks fit and specifies therein.

(4) On the granting of a petroleum prospecting licence, the licensee shall pay to the Minister such consideration therefor as the Minister, with the consent of the Minister for Finance, may determine.

(5) Every petroleum prospecting licence shall be expressed and operate to authorise the licensee, during the currency of such period as is specified in the licence, to enter on the land specified in the licence and there do all such things as the licensee considers necessary or desirable for the purpose of ascertaining the character, extent or value of the petroleum under such land and, in particular and without prejudice to the generality of the foregoing power, for the purpose aforesaid, to make geological, geophysical, geochemical and topographic examinations and to make borings, sink pits, remove water from old workings and take and remove reasonable quantities of petroleum and other minerals for the purpose of analysis, test, trial or experiment.

(6) Every petroleum prospecting licence shall contain an indemnity clause whereby the licensee indemnifies the Minister against any claim or demand whatsoever in respect of the land the subject of the licence or in any way arising out of the exercise by the licensee of the rights conferred on him by the licence.

(7) Every petroleum prospecting licence shall contain a clause requiring the licensee to exercise the rights conferred on him by the licence in such manner as not to interfere unnecessarily with the amenities of the area to which the licence relates.

(8) (*a*) A petroleum prospecting licence shall not confer on the licensee a right to sell or otherwise dispose of any petroleum found under the land specified in the licence.

(*b*) Nothing in paragraph (*a*) of this subsection shall be construed as preventing the licensee under a petroleum prospecting licence from taking and removing reasonable quantities of petroleum for the purposes of analysis, test, trial or experiment.

Undertaking by Minister to grant petroleum lease.

10.—(1) The Minister may enter into an undertaking to grant a petroleum lease to take effect from such date, as may be specified in the petroleum lease.

(2) Every such undertaking as is mentioned in subsection (1) of this section shall be in such form as the Minister, with the consent of the Minister for Finance, shall determine and may specify the terms and conditions (if any) upon which the petroleum lease which is the subject of the undertaking shall be granted.

(3) Whenever the Minister enters into an undertaking to grant a petroleum lease under this section, it shall be lawful for the Minister to carry out the undertaking in accordance with the terms thereof.

Right of Minister to explore and prospect for petroleum.

11.—(1) Where there is not in relation to any area an existing exploration licence, a petroleum prospecting licence, a reserved area licence or a petroleum lease—

(*a*) the Minister may exercise in relation to that area all the powers which could be exercised by him if he were in fact the holder of an exploration licence in relation to that area,

(*b*) the Minister, with the consent of the Minister for Finance, may, subject to subsection (2) of this section, exercise, in relation to that area, all the powers which could be exercised by him, if he were in fact the holder of a petroleum prospecting licence in relation to that area.

(2) The Minister shall not exercise the powers conferred on him by paragraph (*b*) of subsection (1) of this section in relation to any area unless, at least twenty-one days before doing so, he has—

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

(*b*) deposited in the office of the Geological Survey, Dublin and in one or more places in the locality, a map showing the boundaries of that area.

Compensation for damage or nuisance caused by licencee under a petroleum prospecting licence or by Minister exercising powers under section 11 (1) (*b*).

12.—Whenever damage to the surface of land or to mineral deposits or to water supplies or a nuisance is caused whether directly or indirectly, either—

(*a*) by the exercise by the licensee under a petroleum prospecting licence of his rights under the licence, or

(*b*) by exercise by the Minister of the powers conferred on him by paragraph (*b*) of subsection (1) of section 11 of this Act,

the licensee or the Minister (as the case may be) shall be liable to pay compensation for such damage or nuisance, and the provisions of Chapter VII of this Part shall apply in respect of such compensation.

Petroleum leases.

13.—(1) If, in the opinion of the Minister, it is in the public interest that petroleum under specified land should be granted by way of lease to any person, the Minister may demise such petroleum to that person by way of lease (in this Part referred to as a petroleum lease) for such term as the Minister thinks proper.

(2) The following provisions shall apply in relation to every petroleum lease—

(*a*) such lease shall be made subject to the payment to the Minister of such moneys, whether by way of fine or preliminary payment or by way of rent (including a royalty rent) or by any or all of such ways as the Minister, with the concurrence of the Minister for Finance, shall think proper and shall agree upon with the lessee;

(*b*) such lease shall contain such (if any) covenants, conditions and subsidiary agreements on the part of the Minister or of the lessee as the Minister shall consider proper or desirable in the public interest and shall agree upon with the lessee;

(*c*) such lease may contain a clause providing for the renewal or successive renewals thereof,

either unconditionally or subject to such conditions as shall be stated in such lease;

(*d*) the Minister for Finance shall be a party to such lease.

Right of Minister to work and dispose of petroleum.

14.—(1) It shall be lawful for the Minister, with the consent of the Minister for Finance, at any time, subject to the terms of any licence or lease granted under this Part, to work petroleum in any area or areas and to sell or otherwise dispose of petroleum obtained by such working.

(2) Before commencing to work petroleum in exercise of the powers conferred on him by subsection (1) of this section, the Minister shall—

(*a*) specify the area or areas (each of which shall not be less than two square miles or more than five square miles in extent) within which he proposes to exercise those powers,

(*b*) publish in the *Iris Oifigiúil* a notice stating the locality and extent of such area or areas.

(3) The Minister may authorise any person in writing to exercise for and on behalf of the Minister the powers conferred on the Minister by this section and any act done by such person in pursuance of such authority shall for the purposes of this Part be deemed the act of the Minister.

(4) Where the Minister sells or disposes of petroleum under this section, the proceeds of such sale or disposal shall be paid into the Exchequer in such manner as the Minister for Finance shall direct.

Rights of entry on and user of land by lessee under petroleum lease or by Minister exercising powers under section 14.

15.—(1) The lessee under a petroleum lease may enter on the land specified in the lease and use such land in such manner as may be reasonably necessary for the working of petroleum or for any purpose incidental thereto.

(2) The Minister exercising the powers conferred on him by section 14 of this Act may enter on any land within the area in respect of which those powers are exercisable and use such land in such manner as may be reasonably necessary for the working of petroleum or for any purpose incidental thereto.

Compensation for damage or nuisance caused by lessee under petroleum lease or by Minister in working petroleum or exercising rights conferred by section 15.

16.—Where damage to the surface of land or to mineral deposits or to water supplies or a nuisance is caused directly or indirectly, either—

(*a*) by working or doing anything incidental to the working of petroleum, or

(*b*) by exercising the right of entry on and user of

land conferred by section 15 of this Act,

the person causing such damage or nuisance, whether he is the lessee under a petroleum lease or the Minister, shall be liable to pay compensation for such damage or nuisance, and the provisions of Chapter VII of this Part shall apply in respect of such compensation.

Furnishing of information by lessees under petroleum leases.

17.—(1) Every lessee under a petroleum lease shall—

(*a*) as soon as may be after petroleum is brought to the surface for the first time at any borehole—notify the Minister of that fact;

(*b*) furnish to the Minister, within twenty-eight days after being required by the Minister so to do, such information as the Minister may at any time require in relation to the petroleum demised by such lease or to the working of such petroleum.

(2) The Minister may make regulations in relation to the furnishing by lessees of petroleum leases of information in regard to the petroleum or the working of the petroleum demised by such leases, and such regulations may require the furnishing of such information in addition and without prejudice to the information required to be furnished under subsection (1) of this section.

(3) 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,

such person 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.

Covering abandoned boreholes, shafts or outlets.

18.—(1) (*a*) Where operations in connection with petroleum by any person, who is or was the licensee under a licence under this Part or the lessee under a petroleum lease, have been abandoned or discontinued and it appears to the Minister that any borehole shaft or outlet used in connection with those operations is in such

a condition as to be likely to cause an accident, the Minister may serve by registered post on that person a notice requiring him, within a specified time, to cause the top or entrance of the borehole shaft or outlet to be covered or fenced so as to prevent accidents.

(*b*) Where notice is served under paragraph (*a*) of this subsection and the person on whom the notice is served (in this subsection referred to as the defaulter) does not comply with the notice, the following provisions shall have effect—

(i) the Minister may take such action as was required by the notice to be taken by the defaulter,

(ii) the Minister may, for the purpose of exercising the powers conferred by subparagraph (i) of this paragraph, enter on any land,

(iii) any expenses incurred by the Minister in exercise of the powers conferred by subparagraph (i) of this paragraph shall be recoverable by the Minister from the defaulter as a simple contract debt in any court of competent jurisdiction,

(iv) where damage to the surface of land or to mineral deposits or to water supplies is caused directly or indirectly by exercising the powers conferred by subparagraph (i) or (ii) of this paragraph—

(I) the Minister shall be liable to pay compensation for such damage, and the provisions of Chapter VII of this Part shall apply in respect of such compensation,

(II) where the Minister pays compensation under clause (I) of this subparagraph, then, unless the damage in respect of which the compensation is payable was caused by his negligence, the Minister shall be entitled to recover as a simple contract debt in any court of competent jurisdiction from the defaulter a sum equal to the amount of such compensation,

(v) where the Minister is entitled under subparagraph (iii) or (iv) of this

paragraph to recover any sum from the defaulter, a certificate sealed with the official seal of the Minister and certifying the amount of that sum shall be *prima facie* evidence of the amount of that sum.

(2) The Minister may authorise any person in writing to exercise for and on behalf of the Minister the powers conferred by subsection (1) of this section on the Minister, and, whenever the Minister so authorises any person, such person (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 an 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) Nothing in this section contained shall exempt any person from any liability under any other Act or otherwise.

Reserved area licences.

19.—(1) At any time after the grant of a petroleum lease, the Minister may grant to the lessee, in respect of a specified area surrounding the land to which the lease relates, such licence (in this Part referred to as a reserved area licence) as is authorised by this section.

(2) Every reserved area licence shall be granted on such terms (including the reservation of a rent) and conditions as the Minister thinks proper and specifies in such licence.

(3) Every reserved area licence shall be expressed and operate to vest in the licensee the same rights in respect of the area specified therein as would be exercisable by him if he were in fact the holder of an exploration licence in respect of that area.

(4) The Minister shall not, save with the consent of the licensee under a reserved area licence, grant, while the licence is in force, to any other person an exploration licence, a petroleum prospecting licence or a petroleum lease in respect of the area to which the reserved area licence extends.

Assignment of interest of lessee under petroleum leases.

20.—The lessee under a petroleum lease may, with the consent of the Minister, assign the lessee's interest under that petroleum lease to another person.

Transfer of licenses under Part II, and exercise of rights

21.—(1) In this section "licence" means a licence

under licences on death of licences.

being—

(*a*) an exploration licence,
(*b*) a petroleum prospecting licence, or
(*c*) a reserved area licence.

(2) The licensee under a licence may, with the consent of the Minister, transfer the licence to another person.

(3) Where the licensee under a licence, being an individual, dies, the following provisions shall notwithstanding anything contained in section 6 of this Act, have effect—

(*a*) the rights conferred by the licence may be exercised until the happening of whichever of the following events first happens, namely—

(i) the grant of probate of the will or letters of administration of the personal estate of the licensee,
(ii) the expiration of the licence,
(iii) the expiration of six months from the death of the licensee;

(*b*) if the personal representative of the licensee applies to the Minister, not later than twelve months from the death of the licensee for leave to transfer the licence and the licence is then in force—

(i) the Minister may grant or refuse the application,
(ii) if the Minister refuses the application, the licence shall on such refusal terminate.

Revocation of licences under Part II.

22.—(1) In this section "licence" means a licence being—

(*a*) an exploration licence,
(*b*) a petroleum prospecting licence, or
(*c*) a reserved area licence.

(2) The Minister may revoke a licence if he is satisfied that any of the conditions attached to it have been contravened.

(3) A licence shall terminate, if the licensee thereunder is an individual, on his bankruptcy or, if the licensee thereunder is a body corporate, on its dissolution.

(4) On the revocation or termination of a licence under this Section—

(*a*) all rights and powers exercisable by the licensee shall cease and determine but without prejudice to any obligation or liability imposed

on the licensee by this Part or by the licence;

(*b*) where the licensee paid any consideration for the grant of the licence, he shall not be entitled to be repaid such consideration or any part thereof.

Compulsory acquisition of land and ancillary rights by the Minister.

23.—(1) Whenever the Minister is of opinion that it is necessary for the efficient or convenient exploitation of petroleum to acquire any land or any ancillary right, the Minister, with the consent of the Minister for Finance, may by order (in this Part referred to as a working facilities acquisition order) compulsorily acquire, either permanently or temporarily, such land or such ancillary right.

(2) The following provisions shall apply and have effect in relation to every working facilities acquisition order—

(*a*) where the order provides for the acquisition of land, it shall specify the area and situation of such land and the nature and duration of the interest in such land which is vested in the Minister by the order;

(*b*) where the order provides for the acquisition of an ancillary right, it shall specify the character of such right, the situation of any property affected by the exercise of such right, and the nature and duration of the interest in such right which is vested in the Minister by the order;

(*c*) the order may contain all such supplementary or ancillary provisions as the Minister, with the consent of the Minister for Finance, may determine;

(*d*) the order may contain a provision requiring that, in carrying the order into effect, all persons charged with the execution thereof shall have due regard to the amenities of the locality in which the land acquired by the order is situate or in which the ancillary right acquired by the order is exercisable;

(*e*) the order shall be expressed and shall operate to vest in the Minister the land or the ancillary right thereby acquired for such period and in such manner as shall be specified in the order.

Notice in respect of working facilities acquisition orders.

24.—(1) Whenever the Minister proposes to make a working facilities acquisition order he shall comply with whichever of the following provisions is applicable, that is to say:—

(*a*) where the Minister proposes to acquire any

land by such order, he shall, at least two months or, if there is an occupied dwelling-house on such land, at least four mouths before making such order, serve on every person appearing to him to have an interest in such land notice of his intention to make such order, and publish, in one or more newspapers circulating in the locality in which such land is situate, a like notice of his said intention;

(*b*) where the Minister proposes to acquire an ancillary right by such order, he shall, at least two months before making such order, serve on every person appearing to him to have an interest in any property which would be affected by the exercise of such right notice of his intention to make such order and publish, in one or more newspapers circulating in the locality in which such property is situate, a like notice of his said intention.

(2) Every notice required by subsection (1) of this section to be served or published shall—

(*a*) if such notice relates to the acquisition of land, state the situation and area of such land with sufficient particularity to enable such land to be easily identified and also state the nature and duration of the interest proposed to be acquired in such land, or

(*b*) if such notice relates to the acquisition of an ancillary right, state the nature of such right, the land or other property in respect of which such right is proposed to be acquired, and the period for which such right is proposed to be acquired.

(3) A notice required by this section to be served on any person may be served by registered post and, if so served, may be addressed to such person at his last-known place of abode.

Compensation for working facilities.

25.—(1) The Minister shall be liable to pay compensation for any land or ancillary right acquired by him under a working facilities acquisition order and the provisions of Chapter VII of this Part shall apply in respect of such compensation.

(2) All claims for compensation payable under this section in respect of any land or ancillary right acquired by the Minister under a working facilities acquisition order may be made at any time within six months or such longer period not exceeding altogether twelve months as the Minister may in any particular case allow after the date of the order, and no such claim shall be

entertained unless made within that period.

Working facilities permits.

26.—(1) The Minister may, upon the grant of a petroleum lease or at any time during the term granted by the lease, grant to the lessee a permit (in this Part referred to as a working facilities permit) to use any land or any ancillary right which has been acquired by a working facilities acquisition order.

(2) Every working facilities permit shall be granted on such terms and subject to such conditions as the Minister, with the consent of the Minister for Finance, shall determine.

(3) It shall be a condition of the grant of a working facilities permit that the person to whom it is granted repays to the Minister the costs incurred by the Minister in acquiring the land or the ancillary right to which the permit relates and the compensation payable by the Minister for such acquisition.

Working facilities permit in respect of State land.

27.—(1) In this section "State land" has the same meaning as in the State Property Act, 1954 (No. 25 of 1954).

(2) Whenever the Minister is of opinion that it is necessary, for the efficient or convenient exploitation of petroleum to which a petroleum lease applies, that the lessee should be granted the right to use any State land, the Minister with the consent of the Minister for Finance may grant to the lessee a permit (in this Act referred to as a working facilities (State land) permit), to use such land.

(3) Whenever the Minister is of opinion that it is necessary, for the efficient or convenient exploitation of petroleum to which a petroleum lease applies, that the lessee should be granted any ancillary right in relation to State land, the Minister may, with the consent of the Minister for Finance, grant to the lessee a permit (in this Act also referred to as a working facilities (State land) permit) to exercise that ancillary right,

(4) Every working facilities (State land) permit shall be granted on such terms and conditions as the Minister, with the consent of the Minister for Finance, may determine.

(5) A person to whom a working facilities (State land) permit is granted shall as consideration therefor pay to the Minister such sum as the Minister, with the concurrence of the Minister for Finance, may determine.

Compensation for damage or nuisance caused by exercise

28.—(1) Whenever damage to the surface of land or to

of rights under a working facilities permit or a working facilities (State land) permit.

mineral deposits or to water supplies or a nuisance is caused either directly or indirectly by the exercise by the holder of a working facilities permit or a working facilities (State land) permit of the rights conferred by the permit, such holder shall be liable to pay compensation for such damage or nuisance, and the provisions of Chapter VII of this Part shall apply in respect of such compensation.

(2) Compensation payable under subsection (1) of this section by the holder of a working facilities (State land) permit, shall be paid to the Minister.

Interpretation (Chapter V, Part II).

29.—In this Chapter references to the Board shall be construed as references to the Board exercising the functions assigned to it by this Part.

Regulations for proceedings before Board.

30.—The Minister may make regulations in relation to all or any of the following matters, that is to say:—

(*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;

(*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.

Powers of the Board.

31.—(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 or compelling the production of documents, as the case may be.

(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

(*c*) does any 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 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 High Court.

Entry on land by the Board or officers thereof.

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

(2) If any person obstructs or impedes any member of the Board or any person authorised by the Board in the exercise of the powers conferred on such member or persons 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 ten pounds.

Interpretation (Chapter VI, Part II).

33.—(1) In this Chapter—

"appointed area", in relation to a petroleum well, means the land contained in a circle surrounding that petroleum well and having a radius of a quarter of a mile and a centre fixed in the prescribed manner;

"compensation" means compensation payable under section 5 of this Act;

"compensation area", in relation to a petroleum well, means so much of the appointed area in relation to that petroleum well as consists of land directly under which there are situate minerals, an estate in which was immediately before the operative date vested in any person other than a Minister of State;

"petroleum" means petroleum the property in which is vested in the Minister by section 5 of this Act.

(2) For the purposes of this Chapter, the lessee under a lease granted under section 11 of the Mines and Minerals Act, 1931, or under a lease granted, before the

operative date, under section 36 of the Minerals Development Act, 1940, shall be deemed not to have been entitled immediately before the operative date, to an estate in the minerals to which the lease relates.

1931, No. 54.

1940, No. 31.

Compensation not payable for petroleum unless and until it is brought to the surface and used or sold.

34.—Compensation shall not be payable for petroleum unless and until it is brought to the surface and used or sold.

Persons entitled to compensation.

35.—Where petroleum is brought to the surface at a petroleum well and used or sold by the lessee under a petroleum lease or by the Minister exercising the powers conferred on him by section 14 of this Act, a right to compensation in respect of such petroleum shall be deemed to have become vested on the operative date in the persons (other than a Minister of State) who, immediately before the operative date, were entitled to any estate in any minerals (excluding an estate in minerals which did not include petroleum) directly under the appointed area in relation to that petroleum well.

Form and amount of compensation.

36.—(1) Compensation for petroleum shall be in the form of a royalty rent.

(2) The total amount of compensation for petroleum brought to the surface at a petroleum well within the area specified in a petroleum lease and used or sold shall be such proportion of one-third of the royalty rent reserved by the said lease in relation to such petroleum well, as the compensation area in relation to such petroleum well bears to the area contained in a circle of a quarter mile radius.

(3) The total amount of compensation for petroleum brought to the surface at a petroleum well within an area specified under subsection (2) of section 14 of this Act and used or sold, shall be such proportion of one-third of the royalty rent which would have been payable in relation to such petroleum well if the petroleum in the area so specified had been the subject of a petroleum lease reserving a royalty rent of seven and a half per cent. of the prescribed value of the petroleum (excluding petroleum used by the Minister in searching for or working petroleum in the area), as the compensation area in relation to such petroleum well bears to the area contained in a circle of a quarter-mile radius.

Claims for compensation and dealing with claims by

37.—Where petroleum is for the first time brought to the surface at a petroleum well and used or sold by the

the Minister.

lessee under a petroleum lease or by the Minister exercising the powers conferred on him by section 14 of this Act the following provisions shall have effect—

(*a*) the Minister shall publish notice of that fact in one or more newspapers circulating in the locality of the appointed area in relation to such petroleum well; and deposit in the office of the Geological Survey, Dublin and in such other places as the Minister thinks proper, a map showing the boundaries of the said appointed area;

(*b*) the notice shall indicate that any person who, having regard to the provisions of section 35 of this Act, claims to be entitled to compensation for such petroleum may submit his claim for such compensation to the Minister;

(*c*) no claim for compensation for the petroleum shall be entertained unless it is made not later than twelve months after the date on which such notices were published or, if published on different dates, the date of the last publication;

(*d*) as soon as may be after the expiration of the period specified in paragraph (*c*)of this subsection, the Minister shall refer every claim for such compensation to the Board.

Awards of compensation by the Board.

38.—(1) Where claims for compensation are referred to the Board under section 37 of this Act, the Board shall adjudicate upon the said claims and embody their findings in an award which shall—

(*a*) specify the amount of the royalty rent which, having regard to section 36 of this Act, is to constitute the total compensation,

(*b*) specify the name of each claimant found by them to be entitled to the compensation,

(*c*) if the Board find that two or more claimants are entitled to payment of the royalty rent, apportion the royalty rent between the claimants so entitled.

(2) Every award made by the Board under subsection (1) of this section—

(*a*) shall be signed by all members of the Board,

(*b*) shall be conclusive evidence of all matters purported to be certified therein.

(3) (*a*) In apportioning, under paragraph (*c*)of subsection (1) of this section, a royalty rent payable as compensation for petroleum brought to the surface at a particular petroleum well, the Board may, as between the persons entitled to compensation, have regard to the relative extent of the area of entitlement (within the

compensation area in relation to such petroleum well) of each of them.

(*b*) For the purposes of paragraph (*a*) of this subsection, the area of entitlement of a person shall be taken to be the area directly over the minerals in which he or the person through whom he claims had, immediately before the operative date, an estate.

Right of audience on adjudication of claims for compensation under section 5 by the Board.

39.—On the adjudication by the Board of claims for compensation referred to the Board under section 37 of this Act, the following persons shall be entitled, by counsel or solicitor or in person, to appear, be heard and adduce evidence—

(*a*) the Minister,

(*b*) every claimant.

"Compensation" (Chapter VII, Part II).

40.—In this Chapter "compensation" means compensation payable under section 12, 16, 18, 25 or 28 of this Act.

Determination of amount of compensation.

41.—(1) The amount of compensation shall, in default of agreement, be determined by the Board in accordance with the provisions of this Chapter.

(2) Where compensation is payable by the Minister, the Minister shall not enter into any agreement fixing the amount thereof without the consent, of the Minister for Finance.

Applications for compensation.

42.—(1) Where compensation is payable, the following persons, namely—

(*a*) the Minister,

(*b*) if the compensation is payable in respect of land which is subject to a land purchase annuity, the Land commission,

(*c*) any person claiming to be entitled to such compensation may apply to the Board to determine the amount of such compensation.

(2) Subject to the provisions of this Chapter, the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply to the determination of the amount of compensation.

Agreed compensation in respect of land subject to a land purchase annuity.

43.—Where the amount of compensation payable in respect of land 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, that is to say:—

(*a*) the Land, Commission shall be a party to such

agreement;

(*b*) such compensation or so much thereof as is payable under such agreement to the Land Commission shall, when received by them, be applied by them in accordance with the following provisions, that is to say:—

(i) in case there are any arrears of such annuity and the amount so payable to the Land Commission (in this paragraph referred to as the said amount) does not exceed such arrears, in or towards discharge of such arrears,

(ii) in case there are any arrears of such annuity and the said amount exceeds such arrears—

(I) so much of the said amount as is equal to such arrears shall be applied in discharge of such arrears, and

(II) the balance of the said amount shall be applied in or towards redemption of such annuity,

(iii) in case there are no arrears of such annuity, in or towards redemption of such annuity;

(*c*) if the Land commission is not a party to such agreement, the payment of the amount of the compensation fixed thereby shall not operate as a good discharge to the person paying the same of his liability to pay such compensation.

Fees on application for compensation.

44.—Whenever an application is made to the Board by any person, other than the Minister or the Land Commission, to determine compensation, such person shall pay to the Board in respect of such applications, such fee as the Minister, with the sanction of the Minister for Finance, shall prescribe.

Right of audience on hearing before the Board.

45.—On the hearing of any application for compensation, the following persons shall be entitled, by counsel or solicitor or in person, to appear, be heard and adduce evidence before the Board, that is to say—

(*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 land, mineral deposits or water supplies in respect of which such compensation is claimed;

(*d*) where compensation in respect of land is claimed and such land is subject to a land purchase annuity, the Land Commission;

(*e*) any person liable under the provisions of this

Part to pay such compensation.

Awards of compensation.

46.—(1) The Board shall inquire into every application under this Chapter and shall, after such inquiry, make its award thereon.

(2) Every award (in this Chapter referred to as an award) made by the Board shall contain the following matters—

(*a*) a statement of the nature and amount of the compensation to be paid (if any);
(*b*) the name of the person by whom payment is to be made;
(*c*) the name of the person to whom payment is to be made;
(*d*) if the payment is to be made to two or more persons, the allocation of such amount amongst such persons;
(*e*) if the compensation, or any part thereof, is assessed in respect of any land for the time being subject to a land purchase annuity, the matters required by the next following section to be included in such award.

(3) Every award shall be signed by all the members of the Board.

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

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

(6) A certificate, purporting to be certified by the secretary of the Board, which contains a statement of the following matters, namely:—

(*a*) the fact that the Board has made an award,
(*b*) the nature and amount of the compensation payable under such award,
(*c*) the person to whom such compensation is Payable,
(*d*) the person by whom such compensation is payable,

shall be received in all legal proceedings as *prima facie* evidence of the matters so certified without proof of the signature of the person by whom such certificate purports to be certified or that he was in fact the secretary of the Board.

Awards of compensation in respect of land subject to a land purchase annuity.

47.—(1) (*a*) Where compensation is assessed by the Board in respect of land which is subject, but not in

conjunction with other land, to a land purchase annuity, the Land Commission may, if they so think fit, request the Board—

(i) 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 its award payment to the Land Commission of the whole or such part of the compensation as the Land Commission request, or

(ii) if the amount of such compensation exceeds the redemption price of such annuity and the arrears (if any) of such annuity—to order by its award payment to the Land Commission of so much of the compensation, not exceeding the amount of the said redemption price and arrears (if any), as the Land Commission request,

and the Board shall comply with such request.

(*b*) Where any award in relation to land which is subject, but not in conjunction with other land, to a land purchase annuity provides under paragraph (*a*)of this subsection for the payment of any moneys to the Land Commission, such moneys shall upon receipt thereof be applied by the Land Commission in accordance with the following provisions, that is to say—

(i) in case there are any arrears of such annuity and the amount of such moneys does not exceed such arrears—in or towards discharge of such arrears,

(ii) in case there are any arrears of such annuity and the amount of such moneys exceeds such arrears—

(I) so much of such moneys as is equal to such arrears shall be applied in discharge of such arrears, and

(II) the balance of such moneys shall be applied in or towards redemption of such annuity,

(iii) in case there are no arrears of such annuity—in or towards redemption of such annuity.

(2) (*a*) Where compensation is assessed by the Board in respect of land (in this paragraph referred to as the affected land) which is subject, in conjunction with other land, to a land purchase annuity and the Land

Commission apportion the annuity between the affected land and the other land, the Land Commission may, if they so think fit, request the Board—

(i) if the amount of such compensation is equal to or less than the redemption price of so much of such annuity as is apportioned to the affected land and the arrears (if any) of such annuity—to order by its award payment to the Land Commission of the whole or such part of the compensation as the Land Commission request, or

(ii) if the amount of such compensation exceeds the said redemption price and the arrears (if any) of such annuity—to order by its award payment to the Land Commission of so much of the compensation, not exceeding the amount of the said redemption price and the arrears (if any) of the annuity, as the Land Commission request,

and the Board shall comply with such request.

(*b*) Where an award in relation to land (in this paragraph referred to as the affected land) which is subject, in conjunction with other land, to a land purchase annuity provides for the payment under paragraph (*a*) of this subsection of any moneys to the Land Commission, such moneys shall upon receipt thereof be applied by the Land Commission as follows—

(i) in case there are any arrears of such annuity and the amount of such moneys does not exceed such arrears—in or towards discharge of such arrears,

(ii) in case there are any arrears of such annuity and the amount of such moneys exceeds such arrears,

(I) so much of such moneys as is equal to such arrears shall be applied in discharge of such arrears, and

(II) the balance of such moneys shall be applied in or towards redemption of so much of such annuity as is apportioned to the affected land,

(iii) in case there are no arrears of such annuity—in or towards redemption of so much of such annuity as is apportioned to

the affected land.

Basis for assessment of compensation in respect of ancillary rights payable under section 25.

48.—Where compensation is payable under section 25 of this Act for ancillary rights acquired by the Minister under a working facilities acquisition order, the following provisions shall have effect for the purpose of determining the amount of such compensation—

(*a*) the Board shall assess such compensation on the basis of what would be fair and reasonable as the consideration for a bargain between a willing grantor and a willing grantee,

(*b*) for the purposes of paragraph (*a*) of this subsection, the Board shall have regard to the conditions subject to which such ancillary rights were held prior to being so acquired and also to the conditions under which and the period for which they were so acquired.

Finality of Board's decisions on questions of fact.

49.—The decision of the Board on any question of fact arising in the course of proceedings under Chapter VI or VII of this Part shall be final, conclusive and unappealable, and such decisions shall be binding on all parties to such proceedings and their privies as if it were a judgment *in personam.*

Cases stated on questions of law.

50.—(1) The Board may, if it so thinks fit, of its own motion or on the application of any party to proceedings under Chapter VI or VII of this Part, and at any stage of such proceedings, refer any question of law arising in the course of such proceedings by way of case stated for the determination of the High Court, and may adjourn the pronouncement of its award pending such determination.

(2) In lieu of stating a case in the course of proceedings under subsection (1) of this section, the Board may, if a question of law is involved therein, state its award or any part thereof in the form of a special case for the determination of the High Court.

(3) Any party to proceedings before the Board who is aggrieved by the refusal of the Board to state a case on a question of law under this section may apply, either before or after the Board has made its award, to the High Court in a summary manner for an order directing the Board to state a case for the determination of the High Court on such question, and on such application the High Court may make such order, and, in that event, the Board shall comply with the terms thereof, notwithstanding that the Board has already given its award.

(4) The costs of and incidental to any reference to the

High Court under this section shall be in the discretion of that Court.

Award of costs.

51.—(1) The costs of the parties in any proceedings under Chapter VI or VII of this Part shall be in the discretion of the Board, and the Board may, by its award, direct to and by whom and in what manner those costs or any part thereof shall be paid.

(2) The Board may, with the consent of the parties concerned, fix the amount of costs ordered to be paid or in default of such consent, may refer the costs to a Taxing-Master for taxation.

(3) Where the Board orders an applicant for compensation under this Part 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.

(4) For the purpose of this section costs include any fees, charges and expenses of the award.

Provisions in relation to petroleum operations.

52.—(1) (*a*) Regulations may provide for all or any of the following matters—

(i) the siting and spacing of petroleum wells,
(ii) safety measures in relation to petroleum operations,
(iii) restrictions on the production of petroleum from boreholes commenced or completed nearer the boundaries of land to the petroleum under which a petroleum lease applies than the distance specified in the regulations,
(iv) the conservation of petroleum,
(v) restrictions on the disposal of water and waste products,
(vi) the blocking of abandoned boreholes,
(vii) the measurement of petroleum,
(viii) such other matters in relation to petroleum operations as the Minister thinks necessary or expedient to provide for.

(*b*) If any person (being the licensee under a licence granted under this Part or the lessee under a petroleum lease) contravenes (by act or omission) any regulation made under this subsection, such person shall be guilty of an offence under this subsection.

(2) (*a*) If it appears to the Minister that a petroleum operation is being conducted in such a manner (whether

by act or omission) as to cause loss, contamination, deterioration or misuse of petroleum products or other minerals which would not normally occur if the operation were conducted in accordance with good oilfield practice, then, he may serve by registered post on the person conducting the operation a notice requiring him to take, within a specified time, such remedial action as will prevent such loss, contamination, deterioration or misuse occurring.

(*b*) If it appears to the Minister that a petroleum operation is being conducted in such a manner (whether by act or omission) as to cause or to be likely to cause unnecessary damage, then, he may serve by registered post on the person conducting the operation, a notice requiring him to take, within a specified time, such remedial action as will prevent such damage occurring.

(*c*) Where a notice is served under paragraph (*a*) or (*b*) of this subsection and the person on whom the notice is served (in this paragraph referred to as the defaulter) does not comply with the notice, the following provisions shall have effect—

(i) the defaulter shall be guilty of an offence under this subsection,

(ii) the Minister may (whether proceedings have or have not been taken against the defaulter under subparagraph (i) of this paragraph) take such remedial action as was required by the notice to be taken by the defaulter, and may recover any expenses incurred by him in doing so from the defaulter as a simple contract debt in any court of competent jurisdiction.

(*d*) Where the Minister is entitled under subparagraph (ii) of paragraph (*c*) of this subsection to recover any expenses, a certificate sealed with the official seal of the Minister and certifying the amount thereof shall be *prima facie* evidence of the amount of such expenses.

(3) Every person guilty of an offence under subsection (1) or (2) of this section shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds, together with, in the case of a continuing offence, a further fine not exceeding one hundred pounds for every day on which the offence is continued.

(4) Where the same set of facts constitutes an offence

under both subsection (1) and subsection (2) of this section and the offender is charged with both offences, the offender shall be liable to be punished for one of the offences only.

Royalty rents for petroleum acquired under the Mines and Minerals Act, 1931, and the Minerals Development Act, 1940.

53.—Where—

(*a*) a royalty rent has been fixed, by an award made under the Mines and Minerals Act, 1931 or by an agreement made under that Act, as compensation for petroleum acquired under that Act, or

1931, No. 54.

(*b*) a royalty rent has been fixed, by an award made under the Minerals Development Act, 1940 or by an agreement made under that Act, as compensation for petroleum acquired under that Act,

1940, No. 31.

the said royalty rent, in respect of so much if any of that petroleum as is brought to the surface at a petroleum well within the appointed area in relation to that petroleum well (as defined by subsection (1) of section 33 of this Act), shall, in lieu of being at the rate fixed by the relevant award or agreement, be at a rate which bears to the rate fixed by the relevant award or agreement the same proportion as that part of the area to which the relevant award or agreement relates and which is inside the said appointed area bears to the said appointed area.

Right to drill for and take away petroleum not to be a rateable hereditament.

54.—(1) In this section, "oil pool" means an underground natural reservoir containing or appearing to contain an accumulation of petroleum separated or appearing to be separated from any other such reservoir or accumulation in the general geological structure.

(2) For the purposes of the Valuation Acts, the right to drill for and take away petroleum shall be deemed not to be a rateable hereditament in relation to a particular oil pool until the expiration of twenty years from the date on which petroleum was first produced from that oil pool.

Payments to lessees under petroleum leases.

55.—If the total amount paid by the lessee under a petroleum lease as such lessee in respect of rent, royalties, income-tax, sur-tax, corporation profits tax and rates for any period exceeds such amount as the Minister, with the consent of the Minister for Finance, may determine, the Minister, with the consent of the Minister for Finance, may, out of moneys provided by the Oireachtas, make to the lessee a payment equal to the excess.

Minister to be given notice of sinking of shafts or boreholes.

56.—(1) Where a person proposes, for the purpose of getting petroleum, to sink a shaft or borehole intended to reach a depth of more than twenty feet below the surface, he shall before commencing such sinking, give to the Minister fourteen days' notice of his intention to do so or such shorter notice as the Minister may permit.

(2) Every person who, for the purpose of searching for or getting petroleum, sinks a shaft or borehole intended to reach a depth of more than twenty feet below the surface shall keep a journal thereof and shall retain for such period (not more than three months) as the Minister may direct 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) Every person who keeps in pursuance of subsection (2) of this section a journal of a shaft or a borehole shall, if so requested by the Minister, furnish to him a copy of the journal and a site map, which site map shall be returned by the Minister.

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

(*a*) to have free access to any such shaft, borehole or core as aforesaid;
(*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 samples of any such specimens or cores.

(5) 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 information about such shaft or borehole which was furnished by that person to the Minister, the Minister shall not, during the period of five years after the information is furnished, disclose such information to any person (not being an officer of the Minister) except with the consent of the person who furnished the information.

(6) 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.

(7) In this section, the word "inspector" means a person appointed in writing (either generally or for a particular occasion) by the Minister to be an inspector for the purposes of this section.

Laying of half-yearly reports before Houses of the Oireachtas.

57.—As soon as may be after every 30th day of June and every 31st day of December, the Minister shall cause to be laid before each House of the Oireachtas a half-yearly report showing, in respect of the period of six months ending on such 30th day of June or such 31st day of December, all of the following matters, that is to say:—

(*a*) particulars of all petroleum leases, licences and working facilities permits made or granted by him under this Part and for the time being current;

(*b*) the total amount of all moneys collected by the Minister, either by way of fine or lump sum payment or by way of rent, under or by virtue of any such lease, licence or permit;

(*c*) any other matter relating to petroleum or to the development and working of petroleum which the Minister thinks proper to include in such report.

Disposal of moneys received as consideration.

58.—All moneys received by the Minister (whether in the nature of a fine or lump sum, or in the nature of rent or other periodical payment) as consideration for any sale, lease, licence or permit made or granted by him under this Part or as compensation under section 28 of this Act, shall, as and when received, be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

Collection and disposal of fees.

59.—(1) All fees payable under this Part, whether to the Minister or the Board, shall be collected and taken in such manner as the Minister for Finance shall from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under this Part.

Regulations in relation to applications for licences under Part II, fees thereon, and size and shape of areas for which those licences may be granted.

60.—Regulations may provide for all or any of the following matters—

(*a*) the manner in which and the persons by whom application for licences under this Part may be made,

(*b*) the fees to be paid on any of those applications,

(*c*) the conditions to be complied with by applicants for those licences,

(*d*) the furnishing by every applicant for any of those licences of evidence as to his character, financial standing and technical qualifications and the giving by him of security for the fulfilment of his obligations under the licence,

(*e*) the size and shape of areas for which those licences may be granted.

General provisions as to regulations.

61.—(1) The Minister may make regulations—

(*a*) for any purpose for which regulations are provided for by any of the provisions of this Part, and

(*b*) for prescribing any matter or thing referred to in this Part as prescribed.

(2) Where the Minister proposes to make any regulation under this Part, he shall before doing so—

(*a*) cause a draft of the proposed regulation to be made,

(*b*) publish in one or more newspapers circulating in the State, a notice which shall state—

(i) that a draft of the proposed regulation has been prepared and may be inspected at the office of the Minister in Dublin at specified times,

(ii) the provision of this Act under which it is proposed to make the proposed regulation,

(iii) that the Minister will consider any representations in relation to the proposed regulation which are made to him not later than such date as the Minister thinks proper and specifies in the notice.

(3) Every regulation made under this Part shall be laid before each House of the Oireachtas as soon as may be after it is made and if a resolution annulling such regulation 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, such regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under such regulation.

Prosecution of offences.

62.—Any offence under any section contained in this Part may be prosecuted by the Minister.

Expenses.

63.—The expenses incurred by the Minister in the administration of this Part shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of

moneys provided by the Oireachtas.

Repeal of Petroleum (Production) Act, 1918.

64.—The Petroleum (Production) Act, 1918, is hereby repealed.

1918, c. 52.

Saving for powers and duties of the Revenue Commissioners under the enactments relating to customs and excise.

65.—The provisions of this Part of this Act shall be without prejudice to the powers and duties of the Revenue Commissioners under any enactment in force, whether passed before or after this Act, for the management, collection or protection of the revenue of customs and excise.

Deductions from compensation of debts due to the State.

66.—Where the amount of any compensation which is payable under this Act by the Minister to any person is determined by an award, and a debt is due and owing by that person to any Minister of State or to the Central Fund, the Minister may deduct the amount of the debt from such compensation, and may direct that the amount so deducted be (as the case may require) either paid to the appropriate Minister of State or paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

Interpretation (Part III).

67.—(1) In this Part—

"mining facilities permit" has the meaning assigned to it by section 75 of this Act;

"mining facilities (State land) permit" has the meaning assigned to it by section 76 of this Act;

"the Minister" means the Minister for Industry and Commerce;

"petroleum" has the meaning assigned to it by section 2 of this Act;

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

1940, No. 31.

(2) This Part shall be construed as one with The Principal Act.

Collective citation of the Principal Act and Part III.

68.—The Principal Act and this Part may be cited together as the Minerals Development Acts, 1940 and 1960.

Cesser of application of provisions of the Principal Act, with certain exceptions, to petroleum.

69.—(1) Subject to subsection (2) of this section, the provisions of the Principal Act shall cease to apply in respect of petroleum.

(2) Notwithstanding subsection (1) of this section, section 42 of the Principal Act, as amended by section

81 of this Act, and the other provisions (including provisions as to compensation) of the Principal Act, which relate to the imposition of restrictions on the working of minerals under land on which a building is erected or intended to be erected shall continue to apply in relation to the working of petroleum under any such land.

Provisions in relation to prospecting licences and State mining leases granted under the Principal Act and leases granted under section 11 of the Mines and Minerals Act, 1931, as respects petroleum .

70.—(1) Any prospecting licence granted under section 7 of the Principal Act and any State mining lease made under section 26 of the Principal Act shall be deemed not to have conferred any rights in relation to petroleum unless the licence was issued or the lease was made on or after the 1st day of January, 1959, and expressly related to petroleum.

(2) Any lease granted under section 11 of the Mines and Minerals Act, 1931, shall be deemed not to have conferred any rights in relation to petroleum.

Power of Minister to sell State minerals.

71.—The Minister may, with the consent of the Minister for Finance, sell State minerals.

Amendment of section 6 of the Principal Act.

72.—There shall be inserted in section 6 of the Principal Act the following new paragraph—

"(*aa*) a right to remove temporarily or permanently superincumbent or adjacent strata and surface for the purposes of open-cast mining;".

Amendment of section 7 of the Principal Act.

73.—(1) Section 7 of the Principal Act is hereby amended in the following respects—

(*a*) in subsection (1), "subject to subsection (2) of this section" shall be substituted for "subject to giving the notice required by this section",

(*b*) there shall be substituted for subsections (2) and (3), the following new subsection—

"(2) The Minister shall not exercise, in respect of any land, either the right conferred on him by paragraph (*a*) of subsection (1) of this section or the power conferred on him by paragraph (*b*) of the said subsection unless, at least twenty-one days before exercising that right or that power, as the case may be,—

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

(*b*) he has deposited in the office of the Geological Survey, Dublin and in one or more places in the locality, a map

showing the boundaries of such land.".

(2) A prospecting licence granted under section 7 of the Principal Act may be granted in relation to either all minerals or specified minerals

Amendment of section 10 (1) of the Principal Act.

74.—Subsection (1) of section 10 of the Principal Act is hereby amended in the following respects—

(*a*) "or to mineral deposits or to water supplies or a nuisance" shall be inserted after "land"

(*b*) "or nuisance" shall be inserted after "damage" where the latter word thirdly occurs.

Mining facilities permits.

75.—(1) The Minister may upon the grant of a State mining lease or at any time during the term granted by the lease, grant to the lessee a permit (in this Part referred to as mining facilities permit) to use any land or ancillary right which has been acquired by the Minister under a mining facilities acquisition order made under section 19 of the Principal Act.

(2) Every mining facilities permit shall be granted on such terms and subject to such conditions as the Minister, with the consent of the Minister for Finance, shall determine.

(3) It shall be a condition of the grant of a mining facilities permit that the person to whom it is granted repays to the Minister the cost incurred by the Minister in acquiring the land or ancillary right to which the permit relates and the compensation payable by the Minister for such acquisition.

Mining facilities permit in respect of State land.

76.—(1) In this section "State land" has the same meaning as in the State Property Act, 1954 (No. 25 of 1954).

(2) Whenever the Minister is of opinion that it is necessary, for the efficient or convenient exploitation of minerals to which a State mining lease applies, that the lessee should be granted the right to use any State land, the Minister with the consent of the Minister for Finance may grant to the lessee a permit (in this Act referred to as a mining facilities (State land) permit) to use such land.

(3) Whenever the Minister is of opinion that it is necessary, for the efficient or convenient working of minerals to which a State lease applies, that the lessee should be granted any ancillary right in relation to State land, the Minister may, with the consent of the Minister for Finance, grant to the lessee a permit (in this Act also referred to as a mining facilities (State land) permit) to

exercise that ancillary right.

(4) Every mining facilities (State land) permit shall be granted on such terms and conditions as the Minister, with the consent of the Minister for Finance, may determine.

(5) A person to whom a mining facilities (State land) permit is granted shall as consideration therefor pay to the Minister such sum as the Minister, with the concurrence of the Minister for Finance, may determine.

Compensation for damage or nuisance caused by exercise of rights under a mining facilities permit or a mining facilities (State land) permit.

77.—(1) Whenever damage to the surface of any land or to mineral deposits or to water supplies or a nuisance is caused either directly or indirectly by the exercise by the holder of a mining facilities permit or a mining facilities (State land) permit of the rights conferred by the permit, such holder shall be liable to pay compensation for such damage or nuisance, and the provisions of Part VII of the Principal Act shall apply in respect of such compensation.

(2) Compensation payable under subsection (1) of this section by the holder of a mining facilities (State land) permit shall be paid to the Minister.

Disposal of moneys received by the Minister under section 75, 76 or 77.

78.—All moneys received by the Minister under section 75, 76 or 77 of this Act shall, as and when received, be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

Amendment of section 25 (1) of the Principal Act.

79.—Subsection (1) of section 25 of the Principal Act is hereby amended in the following respects—

(*a*) "or to mineral deposits or to water supplies or a nuisance shall be inserted after" "land",

(*b*) "or nuisance" shall be inserted after "damage" where the latter word thirdly occurs.

Amendment of section 31 (3) of the Principal Act.

80.—Subsection (3) of section 31 of the Principal Act is hereby amended in the following respects—

(*a*) "or to mineral deposits or to water supplies or a nuisance" shall be inserted after "land" where the latter word firstly occurs,

(*b*) "or nuisance" shall be inserted after "damage" where the latter word secondly and fourthly occurs.

Amendment of section 42 of the Principal Act.

81.—(1) For the purposes of subsection (1) of section 42 of the Principal Act a person having a right to lay pipelines for the transport of petroleum over or under any land shall be deemed to be a person having an interest in that land.

(2) In subsection (5) of section 42 of the Principal Act, the word "work" shall be construed as including a pipeline for the transport of petroleum.

Amendment of section 47 (3) of the Principal Act.

82.—In subsection (3) of section 47 of the Principal Act, the words "or a right to remove temporarily or permanently superincumbent or adjacent strata and surface for the purposes of open-cast mining" shall be inserted after the words "adjacent strata up to such surface"

Amendment of section 64 of the Principal Act.

83.—In section 64 of the Principal Act, "shall be entitled, by counsel or solicitor or in person," shall be substituted for "and no others shall be entitled."

Amendment of section 66 of the Principal Act.

84.—The following section shall be inserted in the Principal Act in lieu of section 66—

"66.—(1) (*a*) Where compensation is assessed by the Board in respect of land which is subject, but not in conjunction with other land, to a land purchase annuity, the Land Commission may, if they so think fit, request the Board—

(i) 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 its award payment to the Land Commission of the whole or such part of the compensation as the Land Commission request, or

(ii) if the amount of such compensation exceeds the redemption price of such annuity and the arrears (if any) of such annuity—to order by its award payment to the Land Commission of so much of the compensation, not exceeding the amount of the said redemption price and arrears (if any), as the Land Commission request,

and the Board shall comply with such request.

(*b*) Where any award in relation to land which is subject, but not in conjunction with other land, to a land purchase annuity provides under paragraph (*a*) of this subsection for the payment of any moneys to the Land Commission, such moneys shall upon receipt thereof be applied by the Land Commission in accordance with the following provisions, that is to say—

(i) in case there are any arrears of such annuity and the amount of such moneys

does not exceed such arrears—in or towards discharge of such arrears,

(ii) in case there are any arrears of such annuity and the amount of such moneys exceeds such arrears—

(I) so much of such moneys as is equal to such arrears shall be applied in discharge of such arrears, and

(II) the balance of such moneys shall be applied in or towards redemption of such annuity,

(iii) in case there are no arrears of such annuity—in or towards redemption of such annuity.

(2) (*a*) Where compensation is assessed by the Board in respect of land (in this paragraph referred to as the affected land) which is subject, in conjunction with other land, to a land purchase annuity and the Land Commission apportion the annuity between the affected land and the other land, the Land Commission, may, if they so think fit, request the Board—

(i) if the amount of such compensation is equal to or less than the redemption price of such annuity as is apportioned to the affected land and the arrears (if any) of such annuity—to order by its award payment to the Land Commission of the whole or such part of the compensation as the Land Commission request, or

(ii) if the amount of such compensation exceeds the said redemption price and the arrears (if any) of such annuity—to order by its award payment to the Land Commission of so much of the compensation, not exceeding the amount of the said redemption price and the arrears (if any) of the annuity, as the Land Commission request,

and the Board shall comply with such request.

(*b*) Where an award in relation to land (in this paragraph referred to as the affected land) which is subject, in conjunction with other land, to a land purchase annuity provides for the payment under paragraph (*a*) of this subsection of any moneys to the Land Commission, such moneys shall upon receipt thereof be applied by the Land Commission as follows—

(i) in case there are any arrears of such

annuity and the amount of such moneys does not exceed such arrears—in or towards discharge of such arrears,

(ii) in case there are any arrears of such annuity and the amount of such moneys exceeds such arrears—

(I) so much of such moneys as is equal to such arrears shall be applied in discharge of such arrears, and

(II) the balance of such moneys shall be applied in or towards redemption of so much of the annuity as is apportioned to the affected land,

(iii) in case there are no arrears of the annuity—in or towards redemption of so much of such annuity as is apportioned to the affected land."

Repeal of section 71 (4) of the Principal Act.

85.—Subsection (4) of section 71 of the Principal Act is hereby repealed.

Amendment of section 72 of the Principal Act.

86.—In section 72 of the Principal Act, the words "the Minister is notified before payment of such compensation that" shall be deleted.

Amendment of section 73 of the Principal Act.

87.—section 73 of the Principal Act is hereby amended in the following respects—

(*a*) by the deletion in subsection (1) of "and the Board may in any case disallow the costs of counsel",

(*b*) by the substitution for subsection (2) of the following new subsection—

"(2) The Board may, with the consent of the parties concerned, fix the amount of costs ordered to be paid or, in default of such consent, may refer the costs to a Taxing-Master for taxation."

Amendment of section 75 of the Principal Act.

88.—There shall be inserted in section 75 of the Principal Act the following new subsection—

"(2A) Every person who keeps in pursuance of subsection (2) of this section a journal of a shaft or borehole shall, if so requested by the Minister, furnished to him a copy of the journal and a site map, which site map shall be returned by the Minister".

Short title.

1.—This Act may be cited as the Petroleum and Other Minerals Development Act, 1960.

Definitions.

2.—(1) In this Part—

"ancillary rights" has the meaning assigned to it by section 3 of this Act;

"the Board" means the Mining Board established by section 33 of the Minerals Development Act, 1940 (No. 31 of 1940);

"exploration licence" has the meaning assigned to it by section 8 of this Act;

"land" includes foreshore and land covered with water;

"the Land Commission" means the Irish Land Commission;

"land purchase annuity" means a land purchase annuity payable under the Land Purchase Acts to the Land Commission;

"the Minister" means the Minister for Industry and Commerce;

"the operative date" means the date of the passing of this Act;

"petroleum" includes any mineral oil or relative hydrocarbon and natural gas and other liquid or gaseous hydrocarbons and their derivatives or constituent substances existing in its natural condition in strata (including, without limitation, distillate, condensate, casinghead gasoline and such other substances as are ordinarily produced from oil and gas wells) and includes any other mineral substance contained in oil and natural gas brought to the surface with them in the normal process of extraction, but does not include coal and bituminous shales and other stratified deposits from which oil can be extracted by distillation;

"petroleum lease" has the meaning assigned to it by section 13 of this Act;

"petroleum prospecting licence" has the meaning assigned to it by section 9 of this Act;

"petroleum well" means a boring or other excavation in the earth's crust made for the purpose of extracting petroleum;

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Minister under this Part;

"rent" includes any periodical payment in the nature of rent;

"reserved area licence" has the meaning assigned to it by section 19 of this Act;

"royalty rent" means a rent calculated by reference to the

quantity, price or value of petroleum gotten;

"State petroleum" means petroleum, the property in which was immediately before the operative date vested in the State;

"surface" when used in relation to land, includes any buildings, works, or thing erected, constructed or growing on such land;

"working" when used in relation to petroleum, includes digging, searching for, boring for, getting, raising, taking, carrying away, storing and treating petroleum, and cognate words shall be construed accordingly;

"working facilities acquisition order" has the meaning assigned to it by section 23 of this Act;

"working facilities permit" has the meaning assigned to it by section 26 of this Act;

"working facilities (State land) permit" has the meaning assigned to it by section 27 of this Act.

(2) In this Part, references to the licensee under a licence granted under this Part shall, where the context so permits, be construed as including references to the executors, administrators and assigns of the licensee.

"Ancillary rights".

3.—The following rights shall be ancillary rights for the purposes of this Part, and, in this Part, the expression "ancillary rights" shall be construed accordingly, that is to say:—

(*a*) a right to let down the surface, including a right to let down superincumbent or adjacent strata up to and including 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 petroleum or machinery or the ventilation or drainage or working of petroleum wells;

(*c*) a right to do any of the following things—

(i) to construct, operate and maintain roads and railways for the purpose of ingress and egress to or from any land specified in a petroleum lease,
(ii) to build, maintain, and operate on any such land such roads and railways as may be needed for the purpose of carrying on the exploration, prospecting, working, drilling and development of petroleum under such land, and for the purpose of access to any petroleum well, and the conveyance of petroleum from any petroleum well,
(iii) for all or any of the purposes aforesaid to use

and occupy land and to exercise any rights in or over land or water;

(*d*) a right to lay pipe-lines, and to erect pumping and storage stations, loading racks, terminals and other facilities for the transport of petroleum;

(*e*) a right to use and occupy the surface of land for the excavation of reservoirs and settling ponds, laying of pipes, erection of facilities for pumping, storage, production of petroleum or manufacture of by-products, or other works, or for dwellings for persons employed in connection with the working of petroleum or with any such works as aforesaid;

(*f*) a right to a supply of water or other substances in connection with the working of petroleum, including a right to dig or drill wells;

(*g*) a right to dispose in a particular manner of water or other liquid matter obtained from petroleum wells or any by-product works;

(*h*) a right to dispose in a particular manner of waste products obtained in connection with the working of petroleum;

(*i*) a right to dam or divert any river or watercourse, including an artificial watercourse;

(*j*) a right to divert sewers, watermains and pipes;

(*k*) a right to divert a public road, street or way, or a private way, and to substitute for any existing bridge another bridge on a different site;

(*l*) a right to divert a railway or a tramway;

(*m*) a right to demolish buildings which impede the proper working of petroleum.

Vesting of State petroleum in the Minister.

4.—On the operative date, all State petroleum shall vest in the Minister and his successors.

Vesting of other petroleum in the Minister.

5.—(1) On the operative date, the property in all petroleum which is not State petroleum shall vest in the Minister and his successors.

(2) Compensation shall be payable by the Minister in respect of all petroleum vested in the Minister and his successors by subsection (1) of this section, and the provisions of Chapter VI of this Part shall apply in respect of such compensation.

Restrictions on searching for and getting petroleum.

6.—(1) No person, other than the Minister, shall search for petroleum in any area in the State unless—

(*a*) he is the licensee under an exploration licence, a petroleum prospecting licence or a

reserved area licence which is for the time being in force and includes that area, or

(*b*) he is the lessee under a petroleum lease which has not expired and which includes that area.

(2) No person, other than the Minister, shall get, raise, take or carry away petroleum found in any area in the State unless he is the lessee under a petroleum lease which has not expired and which includes that area.

(3) Every person who contravenes subsection (1) or (2) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds, together with, in the case of a continuing offence, a further fine not exceeding one hundred pounds for every day on which the offence is continued, or in the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(4) In a prosecution for an offence under this section, a certificate purporting to be signed by an officer of the Minister and to certify any one or more of the following matters—

(*a*) that the person charged was not on a specified day the holder of an exploration licence which was then in force and included a specified area,

(*b*) that the person charged was not on a specified day the holder of a petroleum prospecting licence which was then in force and included a specified area,

(*c*) that the person charged was not on a specified day the holder of a reserved area licence which was then in force and included a specified area,

(*d*) that the person charged was not on a specified day the lessee under a petroleum lease which had not then expired and included a specified area,

shall, without proof of the signature of the person purporting to sign such certificate or that he was an officer of the Minister, be evidence until the contrary is proved of such of those matters as are purported to be certified in and by such certificate.

Undertaking to grant explorations licences and petroleum prospecting licences.

7.—(1) The Minister may enter into an undertaking with any person to grant to him an exploration licence or a petroleum prospecting licence or both those licences.

(2) Where the Minister enters into an undertaking

under this section it shall be lawful for him to carry out the undertaking.

Exploration licences.

8.—(1) The Minister may grant to any person such licence (in this Part referred to as an exploration licence) as is authorised by this section.

(2) Every exploration licence shall be granted upon such terms and conditions and in respect of such areas as the Minister thinks fit and specifies, therein.

(3) On the granting of the exploration licence the licensee shall pay to the Minister such consideration therefor as the Minister, with the concurrence of the Minister for Finance, may determine.

(4) Every exploration licence shall be expressed and operate to vest in the licensee the exclusive right of searching for petroleum in the area to which the licence extends.

(5) (*a*) An exploration licence shall not confer on the licensee any right to enter on land.

(*b*) Paragraph (*a*) of this subsection shall not be construed as preventing the licensee under an exploration licence from entering on land with the consent of the owner of the surface of that land.

(6) Every exploration licence shall contain an indemnity clause whereby the licensee indemnifies the Minister against any claim arising out of the exercise by the licensee of his rights under the licence.

(7) In this section "searching for petroleum" means the doing by the licensee under an exploration licence of all such things as are in his opinion necessary or desirable for the purpose of ascertaining the character, extent or value of the petroleum in the area to which the licence extends and, in particular and without prejudice to the generality of the foregoing power, includes exploring for petroleum by using geological, geophysical, geochemical and topographic examination, making borings, sinking pits, removing water from old workings and taking and removing reasonable quantities of petroleum and other minerals for analysis, test, trial or experiment.

Petroleum prospecting licences.

9.—(1) The Minister may, subject to subsection (2) of this section, grant to any person a licence (in this Part referred to as a petroleum prospecting licence) in respect of petroleum under any land.

(2) The Minister shall not grant a petroleum prospecting licence in respect of petroleum under any

land unless, at least twenty-one days before doing so, he has—

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

(*b*) deposited in the office of the Geological Survey, Dublin and in one or more places in the locality, a map showing the boundaries of such land.

(3) Every petroleum prospecting licence shall be granted upon such terms and conditions as the Minister thinks fit and specifies therein.

(4) On the granting of a petroleum prospecting licence, the licensee shall pay to the Minister such consideration therefor as the Minister, with the consent of the Minister for Finance, may determine.

(5) Every petroleum prospecting licence shall be expressed and operate to authorise the licensee, during the currency of such period as is specified in the licence, to enter on the land specified in the licence and there do all such things as the licensee considers necessary or desirable for the purpose of ascertaining the character, extent or value of the petroleum under such land and, in particular and without prejudice to the generality of the foregoing power, for the purpose aforesaid, to make geological, geophysical, geochemical and topographic examinations and to make borings, sink pits, remove water from old workings and take and remove reasonable quantities of petroleum and other minerals for the purpose of analysis, test, trial or experiment.

(6) Every petroleum prospecting licence shall contain an indemnity clause whereby the licensee indemnifies the Minister against any claim or demand whatsoever in respect of the land the subject of the licence or in any way arising out of the exercise by the licensee of the rights conferred on him by the licence.

(7) Every petroleum prospecting licence shall contain a clause requiring the licensee to exercise the rights conferred on him by the licence in such manner as not to interfere unnecessarily with the amenities of the area to which the licence relates.

(8) (*a*) A petroleum prospecting licence shall not confer on the licensee a right to sell or otherwise dispose of any petroleum found under the land specified in the licence.

(*b*) Nothing in paragraph (*a*) of this subsection shall be construed as preventing the licensee under a petroleum prospecting licence from

taking and removing reasonable quantities of petroleum for the purposes of analysis, test, trial or experiment.

Undertaking by Minister to grant petroleum lease.

10.—(1) The Minister may enter into an undertaking to grant a petroleum lease to take effect from such date, as may be specified in the petroleum lease.

(2) Every such undertaking as is mentioned in subsection (1) of this section shall be in such form as the Minister, with the consent of the Minister for Finance, shall determine and may specify the terms and conditions (if any) upon which the petroleum lease which is the subject of the undertaking shall be granted.

(3) Whenever the Minister enters into an undertaking to grant a petroleum lease under this section, it shall be lawful for the Minister to carry out the undertaking in accordance with the terms thereof.

Right of Minister to explore and prospect for petroleum.

11.—(1) Where there is not in relation to any area an existing exploration licence, a petroleum prospecting licence, a reserved area licence or a petroleum lease—

(*a*) the Minister may exercise in relation to that area all the powers which could be exercised by him if he were in fact the holder of an exploration licence in relation to that area,

(*b*) the Minister, with the consent of the Minister for Finance, may, subject to subsection (2) of this section, exercise, in relation to that area, all the powers which could be exercised by him, if he were in fact the holder of a petroleum prospecting licence in relation to that area.

(2) The Minister shall not exercise the powers conferred on him by paragraph (*b*) of subsection (1) of this section in relation to any area unless, at least twenty-one days before doing so, he has—

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

(*b*) deposited in the office of the Geological Survey, Dublin and in one or more places in the locality, a map showing the boundaries of that area.

Compensation for damage or nuisance caused by licencee under a petroleum prospecting licence or by Minister exercising powers under section 11 (1) (*b*).

12.—Whenever damage to the surface of land or to mineral deposits or to water supplies or a nuisance is caused whether directly or indirectly, either—

(*a*) by the exercise by the licensee under a petroleum prospecting licence of his rights under the licence, or

(*b*) by exercise by the Minister of the powers conferred on him by paragraph (*b*) of subsection (1) of section 11 of this Act,

the licensee or the Minister (as the case may be) shall be liable to pay compensation for such damage or nuisance, and the provisions of Chapter VII of this Part shall apply in respect of such compensation.

Petroleum leases.

13.—(1) If, in the opinion of the Minister, it is in the public interest that petroleum under specified land should be granted by way of lease to any person, the Minister may demise such petroleum to that person by way of lease (in this Part referred to as a petroleum lease) for such term as the Minister thinks proper.

(2) The following provisions shall apply in relation to every petroleum lease—

(*a*) such lease shall be made subject to the payment to the Minister of such moneys, whether by way of fine or preliminary payment or by way of rent (including a royalty rent) or by any or all of such ways as the Minister, with the concurrence of the Minister for Finance, shall think proper and shall agree upon with the lessee;

(*b*) such lease shall contain such (if any) covenants, conditions and subsidiary agreements on the part of the Minister or of the lessee as the Minister shall consider proper or desirable in the public interest and shall agree upon with the lessee;

(*c*) such lease may contain a clause providing for the renewal or successive renewals thereof, either unconditionally or subject to such conditions as shall be stated in such lease;

(*d*) the Minister for Finance shall be a party to such lease.

Right of Minister to work and dispose of petroleum.

14.—(1) It shall be lawful for the Minister, with the consent of the Minister for Finance, at any time, subject to the terms of any licence or lease granted under this Part, to work petroleum in any area or areas and to sell or otherwise dispose of petroleum obtained by such working.

(2) Before commencing to work petroleum in exercise of the powers conferred on him by subsection (1) of this section, the Minister shall—

(*a*) specify the area or areas (each of which shall not be less than two square miles or more than five square miles in extent) within which he proposes to exercise those powers,

(*b*) publish in the *Iris Oifigiúil* a notice stating the locality and extent of such area or areas.

(3) The Minister may authorise any person in writing to exercise for and on behalf of the Minister the powers conferred on the Minister by this section and any act done by such person in pursuance of such authority shall for the purposes of this Part be deemed the act of the Minister.

(4) Where the Minister sells or disposes of petroleum under this section, the proceeds of such sale or disposal shall be paid into the Exchequer in such manner as the Minister for Finance shall direct.

Rights of entry on and user of land by lessee under petroleum lease or by Minister exercising powers under section 14.

15.—(1) The lessee under a petroleum lease may enter on the land specified in the lease and use such land in such manner as may be reasonably necessary for the working of petroleum or for any purpose incidental thereto.

(2) The Minister exercising the powers conferred on him by section 14 of this Act may enter on any land within the area in respect of which those powers are exercisable and use such land in such manner as may be reasonably necessary for the working of petroleum or for any purpose incidental thereto.

Compensation for damage or nuisance caused by lessee under petroleum lease or by Minister in working petroleum or exercising rights conferred by section 15.

16.—Where damage to the surface of land or to mineral deposits or to water supplies or a nuisance is caused directly or indirectly, either—

(*a*) by working or doing anything incidental to the working of petroleum, or

(*b*) by exercising the right of entry on and user of land conferred by section 15 of this Act,

the person causing such damage or nuisance, whether he is the lessee under a petroleum lease or the Minister, shall be liable to pay compensation for such damage or nuisance, and the provisions of Chapter VII of this Part shall apply in respect of such compensation.

Furnishing of information by lessees under petroleum leases.

17.—(1) Every lessee under a petroleum lease shall—

(*a*) as soon as may be after petroleum is brought to the surface for the first time at any borehole—notify the Minister of that fact;

(*b*) furnish to the Minister, within twenty-eight days after being required by the Minister so to do, such information as the Minister may at any time require in relation to the petroleum demised by such lease or to the working of such petroleum.

(2) The Minister may make regulations in relation to the furnishing by lessees of petroleum leases of information in regard to the petroleum or the working of the petroleum demised by such leases, and such regulations may require the furnishing of such information in addition and without prejudice to the information required to be furnished under subsection (1) of this section.

(3) 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,

such person 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.

Covering abandoned boreholes, shafts or outlets.

18.—(1) (*a*) Where operations in connection with petroleum by any person, who is or was the licensee under a licence under this Part or the lessee under a petroleum lease, have been abandoned or discontinued and it appears to the Minister that any borehole shaft or outlet used in connection with those operations is in such a condition as to be likely to cause an accident, the Minister may serve by registered post on that person a notice requiring him, within a specified time, to cause the top or entrance of the borehole shaft or outlet to be covered or fenced so as to prevent accidents.

(*b*) Where notice is served under paragraph (*a*) of this subsection and the person on whom the notice is served (in this subsection referred to as the defaulter) does not comply with the notice, the following provisions shall have effect—

(i) the Minister may take such action as was required by the notice to be taken by the defaulter,

(ii) the Minister may, for the purpose of exercising the powers conferred by subparagraph (i) of this paragraph, enter on any land,

(iii) any expenses incurred by the Minister in exercise of the powers conferred by subparagraph (i) of this paragraph shall be recoverable by the Minister from the defaulter as a simple contract debt in any court of competent jurisdiction,

(iv) where damage to the surface of land or to mineral deposits or to water supplies is caused directly or indirectly by exercising the powers conferred by subparagraph (i) or (ii) of this paragraph—

(I) the Minister shall be liable to pay compensation for such damage, and the provisions of Chapter VII of this Part shall apply in respect of such compensation,

(II) where the Minister pays compensation under clause (I) of this subparagraph, then, unless the damage in respect of which the compensation is payable was caused by his negligence, the Minister shall be entitled to recover as a simple contract debt in any court of competent jurisdiction from the defaulter a sum equal to the amount of such compensation,

(v) where the Minister is entitled under subparagraph (iii) or (iv) of this paragraph to recover any sum from the defaulter, a certificate sealed with the official seal of the Minister and certifying the amount of that sum shall be *prima facie* evidence of the amount of that sum.

(2) The Minister may authorise any person in writing to exercise for and on behalf of the Minister the powers conferred by subsection (1) of this section on the Minister, and, whenever the Minister so authorises any person, such person (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 an 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) Nothing in this section contained shall exempt any person from any liability under any other Act or otherwise.

Reserved area licences.

19.—(1) At any time after the grant of a petroleum lease, the Minister may grant to the lessee, in respect of a specified area surrounding the land to which the lease relates, such licence (in this Part referred to as a reserved area licence) as is authorised by this section.

(2) Every reserved area licence shall be granted on such terms (including the reservation of a rent) and conditions as the Minister thinks proper and specifies in such licence.

(3) Every reserved area licence shall be expressed and operate to vest in the licensee the same rights in respect of the area specified therein as would be exercisable by him if he were in fact the holder of an exploration licence in respect of that area.

(4) The Minister shall not, save with the consent of the licensee under a reserved area licence, grant, while the licence is in force, to any other person an exploration licence, a petroleum prospecting licence or a petroleum lease in respect of the area to which the reserved area licence extends.

Assignment of interest of lessee under petroleum leases.

20.—The lessee under a petroleum lease may, with the consent of the Minister, assign the lessee's interest under that petroleum lease to another person.

Transfer of licenses under Part II, and exercise of rights under licences on death of licences.

21.—(1) In this section "licence" means a licence being—

(*a*) an exploration licence,
(*b*) a petroleum prospecting licence, or
(*c*) a reserved area licence.

(2) The licensee under a licence may, with the consent of the Minister, transfer the licence to another person.

(3) Where the licensee under a licence, being an individual, dies, the following provisions shall notwithstanding anything contained in section 6 of this Act, have effect—

(*a*) the rights conferred by the licence may be exercised until the happening of whichever of the following events first happens, namely—

(i) the grant of probate of the will or letters of administration of the personal estate of the licensee,

(ii) the expiration of the licence,
(iii) the expiration of six months from the death of the licensee;

(*b*) if the personal representative of the licensee applies to the Minister, not later than twelve months from the death of the licensee for leave to transfer the licence and the licence is then in force—

(i) the Minister may grant or refuse the application,
(ii) if the Minister refuses the application, the licence shall on such refusal terminate.

Revocation of licences under Part II.

22.—(1) In this section "licence" means a licence being—

(*a*) an exploration licence,
(*b*) a petroleum prospecting licence, or
(*c*) a reserved area licence.

(2) The Minister may revoke a licence if he is satisfied that any of the conditions attached to it have been contravened.

(3) A licence shall terminate, if the licensee thereunder is an individual, on his bankruptcy or, if the licensee thereunder is a body corporate, on its dissolution.

(4) On the revocation or termination of a licence under this Section—

(*a*) all rights and powers exercisable by the licensee shall cease and determine but without prejudice to any obligation or liability imposed on the licensee by this Part or by the licence;
(*b*) where the licensee paid any consideration for the grant of the licence, he shall not be entitled to be repaid such consideration or any part thereof.

Compulsory acquisition of land and ancillary rights by the Minister.

23.—(1) Whenever the Minister is of opinion that it is necessary for the efficient or convenient exploitation of petroleum to acquire any land or any ancillary right, the Minister, with the consent of the Minister for Finance, may by order (in this Part referred to as a working facilities acquisition order) compulsorily acquire, either permanently or temporarily, such land or such ancillary right.

(2) The following provisions shall apply and have effect in relation to every working facilities acquisition order—

(*a*) where the order provides for the acquisition

of land, it shall specify the area and situation of such land and the nature and duration of the interest in such land which is vested in the Minister by the order;

(*b*) where the order provides for the acquisition of an ancillary right, it shall specify the character of such right, the situation of any property affected by the exercise of such right, and the nature and duration of the interest in such right which is vested in the Minister by the order;

(*c*) the order may contain all such supplementary or ancillary provisions as the Minister, with the consent of the Minister for Finance, may determine;

(*d*) the order may contain a provision requiring that, in carrying the order into effect, all persons charged with the execution thereof shall have due regard to the amenities of the locality in which the land acquired by the order is situate or in which the ancillary right acquired by the order is exercisable;

(*e*) the order shall be expressed and shall operate to vest in the Minister the land or the ancillary right thereby acquired for such period and in such manner as shall be specified in the order.

Notice in respect of working facilities acquisition orders.

24.—(1) Whenever the Minister proposes to make a working facilities acquisition order he shall comply with whichever of the following provisions is applicable, that is to say:—

(*a*) where the Minister proposes to acquire any land by such order, he shall, at least two months or, if there is an occupied dwelling-house on such land, at least four mouths before making such order, serve on every person appearing to him to have an interest in such land notice of his intention to make such order, and publish, in one or more newspapers circulating in the locality in which such land is situate, a like notice of his said intention;

(*b*) where the Minister proposes to acquire an ancillary right by such order, he shall, at least two months before making such order, serve on every person appearing to him to have an interest in any property which would be affected by the exercise of such right notice of his intention to make such order and publish, in one or more newspapers circulating in the locality in which such property is situate, a like notice of his said

intention.

(2) Every notice required by subsection (1) of this section to be served or published shall—

(*a*) if such notice relates to the acquisition of land, state the situation and area of such land with sufficient particularity to enable such land to be easily identified and also state the nature and duration of the interest proposed to be acquired in such land, or

(*b*) if such notice relates to the acquisition of an ancillary right, state the nature of such right, the land or other property in respect of which such right is proposed to be acquired, and the period for which such right is proposed to be acquired.

(3) A notice required by this section to be served on any person may be served by registered post and, if so served, may be addressed to such person at his last-known place of abode.

Compensation for working facilities.

25.—(1) The Minister shall be liable to pay compensation for any land or ancillary right acquired by him under a working facilities acquisition order and the provisions of Chapter VII of this Part shall apply in respect of such compensation.

(2) All claims for compensation payable under this section in respect of any land or ancillary right acquired by the Minister under a working facilities acquisition order may be made at any time within six months or such longer period not exceeding altogether twelve months as the Minister may in any particular case allow after the date of the order, and no such claim shall be entertained unless made within that period.

Working facilities permits.

26.—(1) The Minister may, upon the grant of a petroleum lease or at any time during the term granted by the lease, grant to the lessee a permit (in this Part referred to as a working facilities permit) to use any land or any ancillary right which has been acquired by a working facilities acquisition order.

(2) Every working facilities permit shall be granted on such terms and subject to such conditions as the Minister, with the consent of the Minister for Finance, shall determine.

(3) It shall be a condition of the grant of a working facilities permit that the person to whom it is granted repays to the Minister the costs incurred by the Minister in acquiring the land or the ancillary right to which the permit relates and the compensation payable by the Minister for such acquisition.

Working facilities permit in respect of State land.

27.—(1) In this section "State land" has the same meaning as in the State Property Act, 1954 (No. 25 of 1954).

(2) Whenever the Minister is of opinion that it is necessary, for the efficient or convenient exploitation of petroleum to which a petroleum lease applies, that the lessee should be granted the right to use any State land, the Minister with the consent of the Minister for Finance may grant to the lessee a permit (in this Act referred to as a working facilities (State land) permit), to use such land.

(3) Whenever the Minister is of opinion that it is necessary, for the efficient or convenient exploitation of petroleum to which a petroleum lease applies, that the lessee should be granted any ancillary right in relation to State land, the Minister may, with the consent of the Minister for Finance, grant to the lessee a permit (in this Act also referred to as a working facilities (State land) permit) to exercise that ancillary right,

(4) Every working facilities (State land) permit shall be granted on such terms and conditions as the Minister, with the consent of the Minister for Finance, may determine.

(5) A person to whom a working facilities (State land) permit is granted shall as consideration therefor pay to the Minister such sum as the Minister, with the concurrence of the Minister for Finance, may determine.

Compensation for damage or nuisance caused by exercise of rights under a working facilities permit or a working facilities (State land) permit.

28.—(1) Whenever damage to the surface of land or to mineral deposits or to water supplies or a nuisance is caused either directly or indirectly by the exercise by the holder of a working facilities permit or a working facilities (State land) permit of the rights conferred by the permit, such holder shall be liable to pay compensation for such damage or nuisance, and the provisions of Chapter VII of this Part shall apply in respect of such compensation.

(2) Compensation payable under subsection (1) of this section by the holder of a working facilities (State land) permit, shall be paid to the Minister.

Interpretation (Chapter V, Part II).

29.—In this Chapter references to the Board shall be construed as references to the Board exercising the functions assigned to it by this Part.

Regulations for proceedings before Board.

30.—The Minister may make regulations in relation to all or any of the following matters, that is to say:—

(*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;

(*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.

Powers of the Board.

31.—(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 or compelling the production of documents, as the case may be.

(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

(*c*) does any 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 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 High Court.

Entry on land by the Board or officers thereof.

32.—(1) Any member of the Board and any person authorised in that behalf by the Board may for any purpose connected with the performance of the functions imposed by this Part on the Board enter on any land and

make such investigation thereon as the Board may consider necessary for the purpose aforesaid.

(2) If any person obstructs or impedes any member of the Board or any person authorised by the Board in the exercise of the powers conferred on such member or persons 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 ten pounds.

Interpretation (Chapter VI, Part II).

33.—(1) In this Chapter—

"appointed area", in relation to a petroleum well, means the land contained in a circle surrounding that petroleum well and having a radius of a quarter of a mile and a centre fixed in the prescribed manner;

"compensation" means compensation payable under section 5 of this Act;

"compensation area", in relation to a petroleum well, means so much of the appointed area in relation to that petroleum well as consists of land directly under which there are situate minerals, an estate in which was immediately before the operative date vested in any person other than a Minister of State;

"petroleum" means petroleum the property in which is vested in the Minister by section 5 of this Act.

(2) For the purposes of this Chapter, the lessee under a lease granted under section 11 of the Mines and Minerals Act, 1931, or under a lease granted, before the operative date, under section 36 of the Minerals Development Act, 1940, shall be deemed not to have been entitled immediately before the operative date, to an estate in the minerals to which the lease relates.

1931, No. 54.

1940, No. 31.

Compensation not payable for petroleum unless and until it is brought to the surface and used or sold.

34.—Compensation shall not be payable for petroleum unless and until it is brought to the surface and used or sold.

Persons entitled to compensation.

35.—Where petroleum is brought to the surface at a petroleum well and used or sold by the lessee under a petroleum lease or by the Minister exercising the powers conferred on him by section 14 of this Act, a right to compensation in respect of such petroleum shall be deemed to have become vested on the operative date in the persons (other than a Minister of State) who, immediately before the operative date, were entitled to any estate in any minerals (excluding an estate in

minerals which did not include petroleum) directly under the appointed area in relation to that petroleum well.

Form and amount of compensation.

36.—(1) Compensation for petroleum shall be in the form of a royalty rent.

(2) The total amount of compensation for petroleum brought to the surface at a petroleum well within the area specified in a petroleum lease and used or sold shall be such proportion of one-third of the royalty rent reserved by the said lease in relation to such petroleum well, as the compensation area in relation to such petroleum well bears to the area contained in a circle of a quarter mile radius.

(3) The total amount of compensation for petroleum brought to the surface at a petroleum well within an area specified under subsection (2) of section 14 of this Act and used or sold, shall be such proportion of one-third of the royalty rent which would have been payable in relation to such petroleum well if the petroleum in the area so specified had been the subject of a petroleum lease reserving a royalty rent of seven and a half per cent. of the prescribed value of the petroleum (excluding petroleum used by the Minister in searching for or working petroleum in the area), as the compensation area in relation to such petroleum well bears to the area contained in a circle of a quarter-mile radius.

Claims for compensation and dealing with claims by the Minister.

37.—Where petroleum is for the first time brought to the surface at a petroleum well and used or sold by the lessee under a petroleum lease or by the Minister exercising the powers conferred on him by section 14 of this Act the following provisions shall have effect—

(*a*) the Minister shall publish notice of that fact in one or more newspapers circulating in the locality of the appointed area in relation to such petroleum well; and deposit in the office of the Geological Survey, Dublin and in such other places as the Minister thinks proper, a map showing the boundaries of the said appointed area;

(*b*) the notice shall indicate that any person who, having regard to the provisions of section 35 of this Act, claims to be entitled to compensation for such petroleum may submit his claim for such compensation to the Minister;

(*c*) no claim for compensation for the petroleum shall be entertained unless it is made not later than twelve months after the date on which such notices were published or, if published on different dates, the date of the last publication;

(*d*) as soon as may be after the expiration of the period specified in paragraph (*c*)of this subsection, the Minister shall refer every claim for such compensation to the Board.

Awards of compensation by the Board.

38.—(1) Where claims for compensation are referred to the Board under section 37 of this Act, the Board shall adjudicate upon the said claims and embody their findings in an award which shall—

(*a*) specify the amount of the royalty rent which, having regard to section 36 of this Act, is to constitute the total compensation,

(*b*) specify the name of each claimant found by them to be entitled to the compensation,

(*c*) if the Board find that two or more claimants are entitled to payment of the royalty rent, apportion the royalty rent between the claimants so entitled.

(2) Every award made by the Board under subsection (1) of this section—

(*a*) shall be signed by all members of the Board,

(*b*) shall be conclusive evidence of all matters purported to be certified therein.

(3) (*a*) In apportioning, under paragraph (*c*)of subsection (1) of this section, a royalty rent payable as compensation for petroleum brought to the surface at a particular petroleum well, the Board may, as between the persons entitled to compensation, have regard to the relative extent of the area of entitlement (within the compensation area in relation to such petroleum well) of each of them.

(*b*) For the purposes of paragraph (*a*) of this subsection, the area of entitlement of a person shall be taken to be the area directly over the minerals in which he or the person through whom he claims had, immediately before the operative date, an estate.

Right of audience on adjudication of claims for compensation under section 5 by the Board.

39.—On the adjudication by the Board of claims for compensation referred to the Board under section 37 of this Act, the following persons shall be entitled, by counsel or solicitor or in person, to appear, be heard and adduce evidence—

(*a*) the Minister,

(*b*) every claimant.

"Compensation" (Chapter VII, Part II).

40.—In this Chapter "compensation" means compensation payable under section 12, 16, 18, 25 or 28 of this Act.

Determination of amount of compensation.

41.—(1) The amount of compensation shall, in default of agreement, be determined by the Board in accordance with the provisions of this Chapter.

(2) Where compensation is payable by the Minister, the Minister shall not enter into any agreement fixing the amount thereof without the consent, of the Minister for Finance.

Applications for compensation.

42.—(1) Where compensation is payable, the following persons, namely—

(*a*) the Minister,

(*b*) if the compensation is payable in respect of land which is subject to a land purchase annuity, the Land commission,

(*c*) any person claiming to be entitled to such compensation may apply to the Board to determine the amount of such compensation.

(2) Subject to the provisions of this Chapter, the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply to the determination of the amount of compensation.

Agreed compensation in respect of land subject to a land purchase annuity.

43.—Where the amount of compensation payable in respect of land 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, that is to say:—

(*a*) the Land, Commission shall be a party to such agreement;

(*b*) such compensation or so much thereof as is payable under such agreement to the Land Commission shall, when received by them, be applied by them in accordance with the following provisions, that is to say:—

(i) in case there are any arrears of such annuity and the amount so payable to the Land Commission (in this paragraph referred to as the said amount) does not exceed such arrears, in or towards discharge of such arrears,

(ii) in case there are any arrears of such annuity and the said amount exceeds such arrears—

(I) so much of the said amount as is equal to such arrears shall be applied in discharge of such arrears, and

(II) the balance of the said amount shall be applied in or towards redemption of such annuity,

(iii) in case there are no arrears of such annuity,

in or towards redemption of such annuity;

(*c*) if the Land commission is not a party to such agreement, the payment of the amount of the compensation fixed thereby shall not operate as a good discharge to the person paying the same of his liability to pay such compensation.

Fees on application for compensation.

44.—Whenever an application is made to the Board by any person, other than the Minister or the Land Commission, to determine compensation, such person shall pay to the Board in respect of such applications, such fee as the Minister, with the sanction of the Minister for Finance, shall prescribe.

Right of audience on hearing before the Board.

45.—On the hearing of any application for compensation, the following persons shall be entitled, by counsel or solicitor or in person, to appear, be heard and adduce evidence before the Board, that is to say—

(*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 land, mineral deposits or water supplies in respect of which such compensation is claimed;

(*d*) where compensation in respect of land is claimed and such land is subject to a land purchase annuity, the Land Commission;

(*e*) any person liable under the provisions of this Part to pay such compensation.

Awards of compensation.

46.—(1) The Board shall inquire into every application under this Chapter and shall, after such inquiry, make its award thereon.

(2) Every award (in this Chapter referred to as an award) made by the Board shall contain the following matters—

(*a*) a statement of the nature and amount of the compensation to be paid (if any);

(*b*) the name of the person by whom payment is to be made;

(*c*) the name of the person to whom payment is to be made;

(*d*) if the payment is to be made to two or more persons, the allocation of such amount amongst such persons;

(*e*) if the compensation, or any part thereof, is assessed in respect of any land for the time being subject to a land purchase annuity, the matters

required by the next following section to be included in such award.

(3) Every award shall be signed by all the members of the Board.

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

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

(6) A certificate, purporting to be certified by the secretary of the Board, which contains a statement of the following matters, namely:—

(*a*) the fact that the Board has made an award,
(*b*) the nature and amount of the compensation payable under such award,
(*c*) the person to whom such compensation is Payable,
(*d*) the person by whom such compensation is payable,

shall be received in all legal proceedings as *prima facie* evidence of the matters so certified without proof of the signature of the person by whom such certificate purports to be certified or that he was in fact the secretary of the Board.

Awards of compensation in respect of land subject to a land purchase annuity.

47.—(1) (*a*) Where compensation is assessed by the Board in respect of land which is subject, but not in conjunction with other land, to a land purchase annuity, the Land Commission may, if they so think fit, request the Board—

(i) 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 its award payment to the Land Commission of the whole or such part of the compensation as the Land Commission request, or
(ii) if the amount of such compensation exceeds the redemption price of such annuity and the arrears (if any) of such annuity—to order by its award payment to the Land Commission of so much of the compensation, not exceeding the amount of the said redemption price and arrears (if any), as the Land Commission request,

and the Board shall comply with such

request.

(*b*) Where any award in relation to land which is subject, but not in conjunction with other land, to a land purchase annuity provides under paragraph (*a*)of this subsection for the payment of any moneys to the Land Commission, such moneys shall upon receipt thereof be applied by the Land Commission in accordance with the following provisions, that is to say—

(i) in case there are any arrears of such annuity and the amount of such moneys does not exceed such arrears—in or towards discharge of such arrears,

(ii) in case there are any arrears of such annuity and the amount of such moneys exceeds such arrears—

(I) so much of such moneys as is equal to such arrears shall be applied in discharge of such arrears, and

(II) the balance of such moneys shall be applied in or towards redemption of such annuity,

(iii) in case there are no arrears of such annuity—in or towards redemption of such annuity.

(2) (*a*) Where compensation is assessed by the Board in respect of land (in this paragraph referred to as the affected land) which is subject, in conjunction with other land, to a land purchase annuity and the Land Commission apportion the annuity between the affected land and the other land, the Land Commission may, if they so think fit, request the Board—

(i) if the amount of such compensation is equal to or less than the redemption price of so much of such annuity as is apportioned to the affected land and the arrears (if any) of such annuity—to order by its award payment to the Land Commission of the whole or such part of the compensation as the Land Commission request, or

(ii) if the amount of such compensation exceeds the said redemption price and the arrears (if any) of such annuity—to order by its award payment to the Land Commission of so much of the compensation, not exceeding the amount of the said redemption price and the arrears (if any) of the annuity, as the Land

Commission request,

and the Board shall comply with such request.

(*b*) Where an award in relation to land (in this paragraph referred to as the affected land) which is subject, in conjunction with other land, to a land purchase annuity provides for the payment under paragraph (*a*) of this subsection of any moneys to the Land Commission, such moneys shall upon receipt thereof be applied by the Land Commission as follows—

(i) in case there are any arrears of such annuity and the amount of such moneys does not exceed such arrears—in or towards discharge of such arrears,

(ii) in case there are any arrears of such annuity and the amount of such moneys exceeds such arrears,

(I) so much of such moneys as is equal to such arrears shall be applied in discharge of such arrears, and

(II) the balance of such moneys shall be applied in or towards redemption of so much of such annuity as is apportioned to the affected land,

(iii) in case there are no arrears of such annuity—in or towards redemption of so much of such annuity as is apportioned to the affected land.

Basis for assessment of compensation in respect of ancillary rights payable under section 25.

48.—Where compensation is payable under section 25 of this Act for ancillary rights acquired by the Minister under a working facilities acquisition order, the following provisions shall have effect for the purpose of determining the amount of such compensation—

(*a*) the Board shall assess such compensation on the basis of what would be fair and reasonable as the consideration for a bargain between a willing grantor and a willing grantee,

(*b*) for the purposes of paragraph (*a*) of this subsection, the Board shall have regard to the conditions subject to which such ancillary rights were held prior to being so acquired and also to the conditions under which and the period for which they were so acquired.

Finality of Board's decisions on questions of fact.

49.—The decision of the Board on any question of fact arising in the course of proceedings under Chapter VI or VII of this Part shall be final, conclusive and

unappealable, and such decisions shall be binding on all parties to such proceedings and their privies as if it were a judgment *in personam.*

Cases stated on questions of law.

50.—(1) The Board may, if it so thinks fit, of its own motion or on the application of any party to proceedings under Chapter VI or VII of this Part, and at any stage of such proceedings, refer any question of law arising in the course of such proceedings by way of case stated for the determination of the High Court, and may adjourn the pronouncement of its award pending such determination.

(2) In lieu of stating a case in the course of proceedings under subsection (1) of this section, the Board may, if a question of law is involved therein, state its award or any part thereof in the form of a special case for the determination of the High Court.

(3) Any party to proceedings before the Board who is aggrieved by the refusal of the Board to state a case on a question of law under this section may apply, either before or after the Board has made its award, to the High Court in a summary manner for an order directing the Board to state a case for the determination of the High Court on such question, and on such application the High Court may make such order, and, in that event, the Board shall comply with the terms thereof, notwithstanding that the Board has already given its award.

(4) The costs of and incidental to any reference to the High Court under this section shall be in the discretion of that Court.

Award of costs.

51.—(1) The costs of the parties in any proceedings under Chapter VI or VII of this Part shall be in the discretion of the Board, and the Board may, by its award, direct to and by whom and in what manner those costs or any part thereof shall be paid.

(2) The Board may, with the consent of the parties concerned, fix the amount of costs ordered to be paid or in default of such consent, may refer the costs to a Taxing-Master for taxation.

(3) Where the Board orders an applicant for compensation under this Part 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.

(4) For the purpose of this section costs include any fees, charges and expenses of the award.

Provisions in relation to petroleum operations.

52.—(1) (*a*) Regulations may provide for all or any of the following matters—

(i) the siting and spacing of petroleum wells,
(ii) safety measures in relation to petroleum operations,
(iii) restrictions on the production of petroleum from boreholes commenced or completed nearer the boundaries of land to the petroleum under which a petroleum lease applies than the distance specified in the regulations,
(iv) the conservation of petroleum,
(v) restrictions on the disposal of water and waste products,
(vi) the blocking of abandoned boreholes,
(vii) the measurement of petroleum,
(viii) such other matters in relation to petroleum operations as the Minister thinks necessary or expedient to provide for.

(*b*) If any person (being the licensee under a licence granted under this Part or the lessee under a petroleum lease) contravenes (by act or omission) any regulation made under this subsection, such person shall be guilty of an offence under this subsection.

(2) (*a*) If it appears to the Minister that a petroleum operation is being conducted in such a manner (whether by act or omission) as to cause loss, contamination, deterioration or misuse of petroleum products or other minerals which would not normally occur if the operation were conducted in accordance with good oilfield practice, then, he may serve by registered post on the person conducting the operation a notice requiring him to take, within a specified time, such remedial action as will prevent such loss, contamination, deterioration or misuse occurring.

(*b*) If it appears to the Minister that a petroleum operation is being conducted in such a manner (whether by act or omission) as to cause or to be likely to cause unnecessary damage, then, he may serve by registered post on the person conducting the operation, a notice requiring him to take, within a specified time, such remedial action as will prevent such damage occurring.

(*c*) Where a notice is served under paragraph (*a*) or (*b*) of this subsection and the person on whom the notice is served (in this paragraph

referred to as the defaulter) does not comply with the notice, the following provisions shall have effect—

(i) the defaulter shall be guilty of an offence under this subsection,

(ii) the Minister may (whether proceedings have or have not been taken against the defaulter under subparagraph (i) of this paragraph) take such remedial action as was required by the notice to be taken by the defaulter, and may recover any expenses incurred by him in doing so from the defaulter as a simple contract debt in any court of competent jurisdiction.

(*d*) Where the Minister is entitled under subparagraph (ii) of paragraph (*c*) of this subsection to recover any expenses, a certificate sealed with the official seal of the Minister and certifying the amount thereof shall be *prima facie* evidence of the amount of such expenses.

(3) Every person guilty of an offence under subsection (1) or (2) of this section shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds, together with, in the case of a continuing offence, a further fine not exceeding one hundred pounds for every day on which the offence is continued.

(4) Where the same set of facts constitutes an offence under both subsection (1) and subsection (2) of this section and the offender is charged with both offences, the offender shall be liable to be punished for one of the offences only.

Royalty rents for petroleum acquired under the Mines and Minerals Act, 1931, and the Minerals Development Act, 1940.

53.—Where—

(*a*) a royalty rent has been fixed, by an award made under the Mines and Minerals Act, 1931 or by an agreement made under that Act, as compensation for petroleum acquired under that Act, or

1931, No. 54.

(*b*) a royalty rent has been fixed, by an award made under the Minerals Development Act, 1940 or by an agreement made under that Act, as compensation for petroleum acquired under that Act,

1940, No. 31.

the said royalty rent, in respect of so much if any of that petroleum as is brought to the surface at a petroleum well within the appointed area in relation to that

petroleum well (as defined by subsection (1) of section 33 of this Act), shall, in lieu of being at the rate fixed by the relevant award or agreement, be at a rate which bears to the rate fixed by the relevant award or agreement the same proportion as that part of the area to which the relevant award or agreement relates and which is inside the said appointed area bears to the said appointed area.

Right to drill for and take away petroleum not to be a rateable hereditament.

54.—(1) In this section, "oil pool" means an underground natural reservoir containing or appearing to contain an accumulation of petroleum separated or appearing to be separated from any other such reservoir or accumulation in the general geological structure.

(2) For the purposes of the Valuation Acts, the right to drill for and take away petroleum shall be deemed not to be a rateable hereditament in relation to a particular oil pool until the expiration of twenty years from the date on which petroleum was first produced from that oil pool.

Payments to lessees under petroleum leases.

55.—If the total amount paid by the lessee under a petroleum lease as such lessee in respect of rent, royalties, income-tax, sur-tax, corporation profits tax and rates for any period exceeds such amount as the Minister, with the consent of the Minister for Finance, may determine, the Minister, with the consent of the Minister for Finance, may, out of moneys provided by the Oireachtas, make to the lessee a payment equal to the excess.

Minister to be given notice of sinking of shafts or boreholes.

56.—(1) Where a person proposes, for the purpose of getting petroleum, to sink a shaft or borehole intended to reach a depth of more than twenty feet below the surface, he shall before commencing such sinking, give to the Minister fourteen days' notice of his intention to do so or such shorter notice as the Minister may permit.

(2) Every person who, for the purpose of searching for or getting petroleum, sinks a shaft or borehole intended to reach a depth of more than twenty feet below the surface shall keep a journal thereof and shall retain for such period (not more than three months) as the Minister may direct 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) Every person who keeps in pursuance of subsection (2) of this section a journal of a shaft or a borehole shall, if so requested by the Minister, furnish to him a copy of the journal and a site map, which site map shall be returned by the Minister.

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

(*a*) to have free access to any such shaft, borehole or core as aforesaid;

(*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 samples of any such specimens or cores.

(5) 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 information about such shaft or borehole which was furnished by that person to the Minister, the Minister shall not, during the period of five years after the information is furnished, disclose such information to any person (not being an officer of the Minister) except with the consent of the person who furnished the information.

(6) 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.

(7) In this section, the word "inspector" means a person appointed in writing (either generally or for a particular occasion) by the Minister to be an inspector for the purposes of this section.

Laying of half-yearly reports before Houses of the Oireachtas.

57.—As soon as may be after every 30th day of June and every 31st day of December, the Minister shall cause to be laid before each House of the Oireachtas a half-yearly report showing, in respect of the period of six months ending on such 30th day of June or such 31st day of December, all of the following matters, that is to say:—

(*a*) particulars of all petroleum leases, licences and working facilities permits made or granted by him under this Part and for the time being current;

(*b*) the total amount of all moneys collected by the Minister, either by way of fine or lump sum payment or by way of rent, under or by virtue of any such lease, licence or permit;

(*c*) any other matter relating to petroleum or to the development and working of petroleum which the Minister thinks proper to include in such report.

Disposal of moneys received as consideration.

58.—All moneys received by the Minister (whether in the nature of a fine or lump sum, or in the nature of rent or other periodical payment) as consideration for any sale, lease, licence or permit made or granted by him under this Part or as compensation under section 28 of this Act, shall, as and when received, be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

Collection and disposal of fees.

59.—(1) All fees payable under this Part, whether to the Minister or the Board, shall be collected and taken in such manner as the Minister for Finance shall from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under this Part.

Regulations in relation to applications for licences under Part II, fees thereon, and size and shape of areas for which those licences may be granted.

60.—Regulations may provide for all or any of the following matters—

(*a*) the manner in which and the persons by whom application for licences under this Part may be made,

(*b*) the fees to be paid on any of those applications,

(*c*) the conditions to be complied with by applicants for those licences,

(*d*) the furnishing by every applicant for any of those licences of evidence as to his character, financial standing and technical qualifications and the giving by him of security for the fulfilment of his obligations under the licence,

(*e*) the size and shape of areas for which those licences may be granted.

General provisions as to regulations.

61.—(1) The Minister may make regulations—

(*a*) for any purpose for which regulations are provided for by any of the provisions of this Part, and

(*b*) for prescribing any matter or thing referred to in this Part as prescribed.

(2) Where the Minister proposes to make any regulation under this Part, he shall before doing so—

(*a*) cause a draft of the proposed regulation to be made,

(*b*) publish in one or more newspapers

circulating in the State, a notice which shall state—

(i) that a draft of the proposed regulation has been prepared and may be inspected at the office of the Minister in Dublin at specified times,

(ii) the provision of this Act under which it is proposed to make the proposed regulation,

(iii) that the Minister will consider any representations in relation to the proposed regulation which are made to him not later than such date as the Minister thinks proper and specifies in the notice.

(3) Every regulation made under this Part shall be laid before each House of the Oireachtas as soon as may be after it is made and if a resolution annulling such regulation 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, such regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under such regulation.

Prosecution of offences.

62.—Any offence under any section contained in this Part may be prosecuted by the Minister.

Expenses.

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

Repeal of Petroleum (Production) Act, 1918.

64.—The Petroleum (Production) Act, 1918, is hereby repealed.

1918, c. 52.

Saving for powers and duties of the Revenue Commissioners under the enactments relating to customs and excise.

65.—The provisions of this Part of this Act shall be without prejudice to the powers and duties of the Revenue Commissioners under any enactment in force, whether passed before or after this Act, for the management, collection or protection of the revenue of customs and excise.

Deductions from compensation of debts due to the State.

66.—Where the amount of any compensation which is payable under this Act by the Minister to any person is determined by an award, and a debt is due and owing by that person to any Minister of State or to the Central Fund, the Minister may deduct the amount of the debt from such compensation, and may direct that the amount so deducted be (as the case may require) either paid to

the appropriate Minister of State or paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

Interpretation (Part III).

67.—(1) In this Part—

"mining facilities permit" has the meaning assigned to it by section 75 of this Act;

"mining facilities (State land) permit" has the meaning assigned to it by section 76 of this Act;

"the Minister" means the Minister for Industry and Commerce;

"petroleum" has the meaning assigned to it by section 2 of this Act;

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

1940, No. 31.

(2) This Part shall be construed as one with The Principal Act.

Collective citation of the Principal Act and Part III.

68.—The Principal Act and this Part may be cited together as the Minerals Development Acts, 1940 and 1960.

Cesser of application of provisions of the Principal Act, with certain exceptions, to petroleum.

69.—(1) Subject to subsection (2) of this section, the provisions of the Principal Act shall cease to apply in respect of petroleum.

(2) Notwithstanding subsection (1) of this section, section 42 of the Principal Act, as amended by section 81 of this Act, and the other provisions (including provisions as to compensation) of the Principal Act, which relate to the imposition of restrictions on the working of minerals under land on which a building is erected or intended to be erected shall continue to apply in relation to the working of petroleum under any such land.

Provisions in relation to prospecting licences and State mining leases granted under the Principal Act and leases granted under section 11 of the Mines and Minerals Act, 1931, as respects petroleum .

70.—(1) Any prospecting licence granted under section 7 of the Principal Act and any State mining lease made under section 26 of the Principal Act shall be deemed not to have conferred any rights in relation to petroleum unless the licence was issued or the lease was made on or after the 1st day of January, 1959, and expressly related to petroleum.

(2) Any lease granted under section 11 of the Mines and Minerals Act, 1931, shall be deemed not to have conferred any rights in relation to petroleum.

Power of Minister to sell

71.—The Minister may, with the consent of the Minister

State minerals.

for Finance, sell State minerals.

Amendment of section 6 of the Principal Act.

72.—There shall be inserted in section 6 of the Principal Act the following new paragraph—

"(*aa*) a right to remove temporarily or permanently superincumbent or adjacent strata and surface for the purposes of open-cast mining;".

Amendment of section 7 of the Principal Act.

73.—(1) Section 7 of the Principal Act is hereby amended in the following respects—

(*a*) in subsection (1), "subject to subsection (2) of this section" shall be substituted for "subject to giving the notice required by this section",

(*b*) there shall be substituted for subsections (2) and (3), the following new subsection—

"(2) The Minister shall not exercise, in respect of any land, either the right conferred on him by paragraph (*a*) of subsection (1) of this section or the power conferred on him by paragraph (*b*) of the said subsection unless, at least twenty-one days before exercising that right or that power, as the case may be,—

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

(*b*) he has deposited in the office of the Geological Survey, Dublin and in one or more places in the locality, a map showing the boundaries of such land.".

(2) A prospecting licence granted under section 7 of the Principal Act may be granted in relation to either all minerals or specified minerals

Amendment of section 10 (1) of the Principal Act.

74.—Subsection (1) of section 10 of the Principal Act is hereby amended in the following respects—

(*a*) "or to mineral deposits or to water supplies or a nuisance" shall be inserted after "land"

(*b*) "or nuisance" shall be inserted after "damage" where the latter word thirdly occurs.

Mining facilities permits.

75.—(1) The Minister may upon the grant of a State mining lease or at any time during the term granted by the lease, grant to the lessee a permit (in this Part referred to as mining facilities permit) to use any land or ancillary right which has been acquired by the Minister under a mining facilities acquisition order made under section 19 of the Principal Act.

(2) Every mining facilities permit shall be granted on

such terms and subject to such conditions as the Minister, with the consent of the Minister for Finance, shall determine.

(3) It shall be a condition of the grant of a mining facilities permit that the person to whom it is granted repays to the Minister the cost incurred by the Minister in acquiring the land or ancillary right to which the permit relates and the compensation payable by the Minister for such acquisition.

Mining facilities permit in respect of State land.

76.—(1) In this section "State land" has the same meaning as in the State Property Act, 1954 (No. 25 of 1954).

(2) Whenever the Minister is of opinion that it is necessary, for the efficient or convenient exploitation of minerals to which a State mining lease applies, that the lessee should be granted the right to use any State land, the Minister with the consent of the Minister for Finance may grant to the lessee a permit (in this Act referred to as a mining facilities (State land) permit) to use such land.

(3) Whenever the Minister is of opinion that it is necessary, for the efficient or convenient working of minerals to which a State lease applies, that the lessee should be granted any ancillary right in relation to State land, the Minister may, with the consent of the Minister for Finance, grant to the lessee a permit (in this Act also referred to as a mining facilities (State land) permit) to exercise that ancillary right.

(4) Every mining facilities (State land) permit shall be granted on such terms and conditions as the Minister, with the consent of the Minister for Finance, may determine.

(5) A person to whom a mining facilities (State land) permit is granted shall as consideration therefor pay to the Minister such sum as the Minister, with the concurrence of the Minister for Finance, may determine.

Compensation for damage or nuisance caused by exercise of rights under a mining facilities permit or a mining facilities (State land) permit.

77.—(1) Whenever damage to the surface of any land or to mineral deposits or to water supplies or a nuisance is caused either directly or indirectly by the exercise by the holder of a mining facilities permit or a mining facilities (State land) permit of the rights conferred by the permit, such holder shall be liable to pay compensation for such damage or nuisance, and the provisions of Part VII of the Principal Act shall apply in respect of such compensation.

(2) Compensation payable under subsection (1) of

this section by the holder of a mining facilities (State land) permit shall be paid to the Minister.

Disposal of moneys received by the Minister under section 75, 76 or 77.

78.—All moneys received by the Minister under section 75, 76 or 77 of this Act shall, as and when received, be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

Amendment of section 25 (1) of the Principal Act.

79.—Subsection (1) of section 25 of the Principal Act is hereby amended in the following respects—

(*a*) "or to mineral deposits or to water supplies or a nuisance shall be inserted after" "land",

(*b*) "or nuisance" shall be inserted after "damage" where the latter word thirdly occurs.

Amendment of section 31 (3) of the Principal Act.

80.—Subsection (3) of section 31 of the Principal Act is hereby amended in the following respects—

(*a*) "or to mineral deposits or to water supplies or a nuisance" shall be inserted after "land" where the latter word firstly occurs,

(*b*) "or nuisance" shall be inserted after "damage" where the latter word secondly and fourthly occurs.

Amendment of section 42 of the Principal Act.

81.—(1) For the purposes of subsection (1) of section 42 of the Principal Act a person having a right to lay pipelines for the transport of petroleum over or under any land shall be deemed to be a person having an interest in that land.

(2) In subsection (5) of section 42 of the Principal Act, the word "work" shall be construed as including a pipeline for the transport of petroleum.

Amendment of section 47 (3) of the Principal Act.

82.—In subsection (3) of section 47 of the Principal Act, the words "or a right to remove temporarily or permanently superincumbent or adjacent strata and surface for the purposes of open-cast mining" shall be inserted after the words "adjacent strata up to such surface"

Amendment of section 64 of the Principal Act.

83.—In section 64 of the Principal Act, "shall be entitled, by counsel or solicitor or in person," shall be substituted for "and no others shall be entitled."

Amendment of section 66 of the Principal Act.

84.—The following section shall be inserted in the Principal Act in lieu of section 66—

"66.—(1) (*a*) Where compensation is assessed by the Board in respect of land which is subject, but not in conjunction with other land, to a land purchase annuity, the Land Commission may, if they so think fit, request

the Board—

(i) 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 its award payment to the Land Commission of the whole or such part of the compensation as the Land Commission request, or

(ii) if the amount of such compensation exceeds the redemption price of such annuity and the arrears (if any) of such annuity—to order by its award payment to the Land Commission of so much of the compensation, not exceeding the amount of the said redemption price and arrears (if any), as the Land Commission request,

and the Board shall comply with such request.

(*b*) Where any award in relation to land which is subject, but not in conjunction with other land, to a land purchase annuity provides under paragraph (*a*) of this subsection for the payment of any moneys to the Land Commission, such moneys shall upon receipt thereof be applied by the Land Commission in accordance with the following provisions, that is to say—

(i) in case there are any arrears of such annuity and the amount of such moneys does not exceed such arrears—in or towards discharge of such arrears,

(ii) in case there are any arrears of such annuity and the amount of such moneys exceeds such arrears—

(I) so much of such moneys as is equal to such arrears shall be applied in discharge of such arrears, and

(II) the balance of such moneys shall be applied in or towards redemption of such annuity,

(iii) in case there are no arrears of such annuity—in or towards redemption of such annuity.

(2) (*a*) Where compensation is assessed by the Board in respect of land (in this paragraph referred to as the affected land) which is subject, in conjunction with other land, to a land purchase annuity and the Land Commission apportion the annuity between the affected land and the other land, the Land Commission, may, if

they so think fit, request the Board—

(i) if the amount of such compensation is equal to or less than the redemption price of such annuity as is apportioned to the affected land and the arrears (if any) of such annuity—to order by its award payment to the Land Commission of the whole or such part of the compensation as the Land Commission request, or

(ii) if the amount of such compensation exceeds the said redemption price and the arrears (if any) of such annuity—to order by its award payment to the Land Commission of so much of the compensation, not exceeding the amount of the said redemption price and the arrears (if any) of the annuity, as the Land Commission request,

and the Board shall comply with such request.

(*b*) Where an award in relation to land (in this paragraph referred to as the affected land) which is subject, in conjunction with other land, to a land purchase annuity provides for the payment under paragraph (*a*) of this subsection of any moneys to the Land Commission, such moneys shall upon receipt thereof be applied by the Land Commission as follows—

(i) in case there are any arrears of such annuity and the amount of such moneys does not exceed such arrears—in or towards discharge of such arrears,

(ii) in case there are any arrears of such annuity and the amount of such moneys exceeds such arrears—

(I) so much of such moneys as is equal to such arrears shall be applied in discharge of such arrears, and

(II) the balance of such moneys shall be applied in or towards redemption of so much of the annuity as is apportioned to the affected land,

(iii) in case there are no arrears of the annuity—in or towards redemption of so much of such annuity as is apportioned to the affected land."

Repeal of section 71 (4) of

85.—Subsection (4) of section 71 of the Principal Act is

the Principal Act.

hereby repealed.

Amendment of section 72 of the Principal Act.

86.—In section 72 of the Principal Act, the words "the Minister is notified before payment of such compensation that" shall be deleted.

Amendment of section 73 of the Principal Act.

87.—section 73 of the Principal Act is hereby amended in the following respects—

(*a*) by the deletion in subsection (1) of "and the Board may in any case disallow the costs of counsel",

(*b*) by the substitution for subsection (2) of the following new subsection—

"(2) The Board may, with the consent of the parties concerned, fix the amount of costs ordered to be paid or, in default of such consent, may refer the costs to a Taxing-Master for taxation."

Amendment of section 75 of the Principal Act.

88.—There shall be inserted in section 75 of the Principal Act the following new subsection—

"(2A) Every person who keeps in pursuance of subsection (2) of this section a journal of a shaft or borehole shall, if so requested by the Minister, furnished to him a copy of the journal and a site map, which site map shall be returned by the Minister".

Source: Irish Statute Book Database 1922-1998

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