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S.I. No. 29/1933 - The Mines and Minerals Act(Mining Board Regulations) Order, 1933.

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STATUTORY RULES AND ORDERS. 1933. No. 29.

THE MINES AND MINERALS ACT(MINING BOARD REGULATIONS) ORDER, 1933.

The Mines and Minerals Act (Mining Board Regulations) Order, 1933, made by the Minister for Industry and Commerce on the 23rd day of February, 1933, pursuant to Section 7 of the Mines and Minerals Act, 1931 .

WHEREAS it is enacted by Section 7 of the Mines and Minerals Act, 1931 , that the Minister for Industry and Commerce may by order 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.

AND WHEREAS it is further enacted by sub-section (2) of Section 54 of the said Act that every regulation made by the Minister under the Act shall be laid before each House of the Oireachtas, as soon as may be after it is made and if a resolution is passed by either such House within the next subsequent twenty-one days on which such House has sat after such regulation is laid before it annulling such regulation, such regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under such regulation.

NOW, THEREFORE, the Minister for Industry and Commerce in exercise of the powers conferred on him by Section 7 of the Mines and Minerals Act, 1931 , and of all other powers him in this behalf enabling by this order makes the following regulations:—

1. The Interpretation Act, 1923 , applies to the interpretation of these regulations in like manner as it applies to the interpretation of an Act of the Oireachtas.

2. In these regulations—

The expression "the Act" means the Mines and Minerals Act, 1931 ; the expression "the Minister" means the Minister for Industry and Commerce; the expression "the Board" means the Mining Board established under Section 6 of the Mines and Minerals Act, 1931 .

3.— (1) The Board shall, subject to the provisions of these regulations, sit at such times as the Board may from time to time determine to be the most convenient for the discharge of its functions under the Act; and the Board may from time to time adjourn any of the sittings.

(2) The Board shall sit at such places as the Board may, with the approval of the Minister from time to time determine to be most convenient, for the discharge of its functions under the Act.

4. In the case of an inquiry held by the Board under Part IV or Part V of the Act into an application made under either of the said parts, the Board shall:—

(i) give not less than 7 days before it holds the inquiry, notice in writing sent by post of its intention to hold the inquiry, and of the proposed time and place of the inquiry to

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

(b) The Secretary, Irish Land Commission;

(c) the applicant;

(d) the persons whose names and addresses are given in paragraph IV (a) of the application, where the application is for a mining right, or, the persons whose names and addresses are given in paragraph V (a) of the application, where the application is for an ancillary right, or, the persons whose names and addresses are given in paragraph VI (a) of the application, where the application is for the imposition of restrictions on the working of minerals required for support, at the addresses of the persons given in the application or at the persons' last known addresses;

(e) any person who has made representations to the Minister in relation to the application, the subject of the inquiry, at the last known address of such person; and shall

(ii) give such additional notice (if any) of the inquiry or of any particular sittings for the purpose of the inquiry, and whether by public or individual notice, as in the opinion of the Board is requisite to enable the persons named in Section 32 of the Act to have due opportunity to be heard and adduce evidence at such inquiry.

5. In the case of an application to the Board to determine the amount of compensation under Part VII of the Act, the Board shall give such notice of the hearing of the application or of any particular sittings for the purpose of such hearing as in the opinion of the Board is requisite to enable the persons named in Section 45 of the Act to have due opportunity to be heard and adduce evidence in regard to the application.

6. The Board may, if it thinks fit, either on the application of any witness before the Board or other person attending before the Board and entitled to be heard by and adduce evidence before the Board or without such application, hold any sitting or part of any sitting in private, but save as aforesaid, the public shall be admitted to the sittings of the Board.

7. Save as otherwise provided by these Regulations the Board shall determine its practice and procedure.

8. This Order may be cited for all purposes as the Mines and Minerals Act (Mining Board Regulations), Order, 1933.

By Order of the Minister for Industry and Commerce.

Dated this 23rd day of February, 1933.

(Signed) JOHN LEYDON,

Secretary.

Department of Industry and Commerce.

