




DEAN WILSON
SOLICITORS

Mines & Minerals



Unless the property you are buying is in an area that is well known to have been mined currently or in the past, then we do not routinely carry out specialist mining searches. Nevertheless the legal title to the Property sometimes does give an indication that a third party may have the benefit of a right to extract minerals from under your Property.

It is not that unusual for land underneath a property (from a certain depth) to be either owned by someone else or the subject of rights in favour of another land owner to mine it to extract certain minerals.

It is difficult to fully assess the impact of rights of this nature. Certain mining rights were automatically reserved to all land owned by a 'Lord of the Manor' when the tenure of Copyhold was abolished (by virtue of the Copyhold act 1894 and Law of Property Act 1922). This was the case even though the 'Lord' of the Manor at the time (and their successors in title) had no interest or intention of carrying out any mining works.

In the main, if the rights have not been exercised and the property has been in existence for many years, then it is extremely unlikely that this will cause any interference to our use and enjoyment of your property.

Please bear in mind the following factors;

- The extent of the right may be strictly confined within the specific wording of the Deed that created it (if this is still available);
- The rights cannot be exercised from the surface of your Property;
- Separate planning permission and an additional licence is usually required before any existing mining rights can be exercised;
- Mining is tightly regulated and any empowering licence / legislation usually requires person(s) exercising mining rights to compensate the above ground owner for any damage caused to their Property as a result of the mining;
- If it appears that the right has not been exercised, currently or in the past, then it unlikely that they ever will be.

Although this issue is likely to be confined to passing historical importance you should think more carefully if you intend to further develop / build on the land as it is technically possible for the person with the benefit of the mining rights to claim that the foundation works for such a venture is a trespass entitling them to compensation as a result. If you are concerned about this issue then we can obtain an Indemnity Insurance Policy intended to protect you against the risk. Similarly, if you do have plans to add extensions / buildings then you should consider obtaining 'future event' indemnity insurance.