

Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, Cross Heading: Compulsory rights orders in respect of requisitioned opencast sites. (See end of Document for details)

SCHEDULES

^{F1}TENTH SCHEDULE

TRANSITIONAL PROVISIONS

Textual Amendments

F1 Sch. 10 repealed by 1986 c. 63, s. 39(4), **Sch. 12 Pt. II**

Modifications etc. (not altering text)

C1 “The Minister” means Minister of Power whose functions are now exercisable by Secretary of State: **S.I. 1969/1498, art. 2(1)** and 1970/1537, art. 2(2)

PART II

OPENCAST SITES

Compulsory rights orders in respect of requisitioned opencast sites

^{F16} Subject to the following provisions of this Part of this Schedule, where the land comprised in a compulsory rights order consists of or includes land requisitioned for opencast operations, the period specified in the order, as the period for which the order is to have effect, shall not extend beyond the tenth anniversary of the date of requisition of that land.

Textual Amendments

F1 Sch. 10 repealed (11.12.1987) by **Housing and Planning Act 1986 (c. 63, SIF 86)**, s. 39(4), **Sch. 12 Pt. II**

[^{F2F37} Where the land comprised in a compulsory rights order consists exclusively of land requisitioned for opencast operation, then, notwithstanding anything in subsection (5) of section four of this Act,—

(a) the provisions of Part I of the First Schedule to the Acquisition of Land Act, as modified by Part I of the Second Schedule to this Act, except the provisions of paragraphs 2, 5 and 6 of the said First Schedule, as so modified, and

(b) the provisions of Part III of the said First Schedule, as so modified,

shall not apply to that order:

Provided that this paragraph shall have effect subject to the provisions of paragraph 9 of this Schedule in cases falling within that paragraph.]

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Textual Amendments

- F2** Sch. 10 para.7 repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(3), [Sch. 6 Pt. I](#)
F3 Sch. 10 repealed (11.12.1987) by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(4), [Sch. 12 Pt. II](#)

- ^{F48} A compulsory rights order falling within paragraph 6 or paragraph 7 of this Schedule shall not be varied by extending the period for which it has effect in such a way that, in respect of any of the land comprised in the order, that period extends beyond the tenth anniversary of the date of requisition of that land.

Textual Amendments

- F4** Sch. 10 repealed (11.12.1987) by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(4), [Sch. 12 Pt. II](#)

- ^{F59} (1) Where the land comprised in a compulsory rights order consists of or includes land requisitioned for opencast operations, and it appears to the [^{F6}Corporation] that, for either or both of the reasons mentioned in the next following sub-paragraph, it is necessary that the period specified in the order, as the period for which the order is to have effect, should extend beyond the tenth anniversary of the date of requisition of that land,—
- (a) the period specified in the order may extend beyond that anniversary, and shall (subject to the following provisions of this paragraph) be such period as the [^{F6}Corporation] consider necessary in the circumstances;
 - (b) the order shall state the reasons for which the [^{F6}Corporation] consider it necessary that the period specified in the order should so extend; and
 - (c) paragraph 7 of this Schedule shall not apply to the order, and the provisions as to the making and confirmation of the order shall be in accordance with subsection (5) of section four of this Act.
- (2) The said reasons are—
- (a) that a longer period is required for completing the restoration of land comprised in the order so as to be reasonably fit for use as agricultural land;
 - (b) that there is in force an agreement relating to that land made between the [^{F6}Corporation] and another person before the eighteenth day of December, nineteen hundred and fifty-seven, which provides for the working of coal by that person by opencast operations, and is not an agreement under which the coal is to become the property of that other person, and a longer period is required for completing the operations provided for by the agreement.
- (3) Where an order is made in the circumstances mentioned in sub-paragraph (1) of this paragraph, the period for which the order has effect shall not extend beyond the tenth anniversary of the commencement of this Act.
- (4) The Minister shall not confirm an order as being an order falling within sub-paragraph (1) of this paragraph unless he is satisfied that the reasons stated in the order in accordance with that sub-paragraph are well-founded and that it is necessary for those reasons that the period for which the order has effect should extend as mentioned in that sub-paragraph.

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Textual Amendments

- F5** Sch. 10 repealed (11.12.1987) by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(4), [Sch. 12 Pt. II](#)
- F6** Word substituted by [1987 c. 3, s. 1\(2\)](#), [Sch. 1 para. 7\(c\)](#)

- ^{F7}10 Where the land comprised in a compulsory rights order consists exclusively of land which, immediately before the operative date of the order, is land requisitioned for opencast operations, section five of this Act, and the Second Schedule to this Act, shall have effect in relation to the order subject to the following modifications:—
- (a) subsections (2) and (3) of that section, and Part II of that Schedule, shall not apply;
 - (b) in subsection (4) of that section, for the words “date of entry” there shall be substituted the words “operative date”.

Textual Amendments

- F7** Sch. 10 repealed (11.12.1987) by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(4), [Sch. 12 Pt. II](#)

- ^{F8}11 Subsection (2) of section nine of this Act shall not apply to land which, at the time when the compulsory rights order in question is confirmed, is land requisitioned for opencast operations.

Textual Amendments

- F8** Sch. 10 repealed (11.12.1987) by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(4), [Sch. 12 Pt. II](#)

- 12 ^{F9}

Textual Amendments

- F9** Sch. 10 para. 12 repealed by [Coal Industry Act 1975 \(c. 56\)](#), s. 5(3), [Sch. 5](#)

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