

SCHEDULES

SCHEDULE 10

TRANSITIONAL PROVISIONS AND SAVINGS

Opencast coal

- 9 (1) Where any compulsory rights order has been made under the Opencast Coal Act 1958 before the restructuring date and is awaiting confirmation on that date, that order may be confirmed on or after that date in accordance with that Act as if it had been made by the Authority on the application of the Corporation.
- (2) The rights conferred on the Corporation by any compulsory rights order made under that Act before the restructuring date shall have effect on and after that date as if conferred on the Corporation and its successors (within the meaning of that Act) so as to be exercisable for the purposes only of—
- (a) operations which the Corporation or, as the case may be, any such successor is authorised to carry out by virtue of being a licensed operator; and
 - (b) operations which are incidental to operations falling within paragraph (a) above (including operations carried out at times when the authorisation for the operations falling within that paragraph is not in force).
- (3) Any application to the Secretary of State for an order under section 15 or 16 of that Act which is pending immediately before the restructuring date shall have effect on and after that date as if made to the Authority; and paragraph (aa) of section 15A(1) of that Act (additional matter to be included in notice of application) shall be disregarded for the purposes of any application to which this sub-paragraph applies.
- (4) An order made under section 15 of that Act before the restructuring date shall not require the confirmation of the Secretary of State.
- (5) The provisions of this Act modifying section 16 of that Act shall not affect the operation of that Act in relation to any order made under that section before the restructuring date.
- (6) On and after the restructuring date compensation payable under that Act shall be payable in respect of any compulsory rights order made before that date as if the Corporation were the person on whose application that order was made.