

Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, NINTH SCHEDULE. (See end of Document for details)

SCHEDULES

NINTH SCHEDULE **E+W+S**

Sections 39, 47.

PROVISIONS AS TO NOTICES

- 1 Subject to the following provisions of this Schedule, any notice or other document required or authorised to be served or given under this Act, or under any enactment applied by or incorporated with this Act, may be served or given either—
- (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
 - (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address; or
 - (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, or, in a case in which an address for service has been given by him, at that address; or
 - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office.

Modifications etc. (not altering text)

- C1** References to registered letter to be construed as including references to letter sent by recorded delivery service: [Recorded Delivery Service Act 1962 \(c. 27\)](#), s. 1(1)(2), [Sch. para. 1](#).

- 2 Where the notice or document is required or authorised to be served on any person as having an interest in land, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of land, the notice shall be deemed to be duly served if—
- (a) being addressed to him either by name or by the description of “the owner” or “the occupier”, as the case may be, of the land (describing it), it is delivered or sent in the manner prescribed by the preceding paragraph; or
 - (b) being so addressed, it is sent in a prepaid registered letter to the land in question and is not returned to the person by whom or on whose behalf it is sent, or is delivered to some person on that land or is affixed conspicuously to some object on that land.

Modifications etc. (not altering text)

- C2** Reference to registered letter to be construed as including reference to letter sent by recorded delivery service: [Recorded Delivery Service Act 1962 \(c. 27\)](#), s. 1(1)(2), [Sch. para. 1](#).

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- 3 (1) Subject to the next following sub-paragraph, where the notice or other document is required to be served on or given to all persons having interests (or interests of a specified description) in any land, or being occupiers of any land, and it appears to the person required or authorised to serve or give the notice or other document that any part of that land is unoccupied, the notice or other document shall be deemed to be duly served on all persons having interests (or the relevant interests, as the case may be) in that part of the land and on any occupiers of that part of the land (other than a person who has given an address for the service of the notice on him) if it is addressed to “the owners and any occupiers” of that part of the land (describing it) and is affixed conspicuously to some object on the land.
- (2) This paragraph shall not apply to any notice required to be served or given^{F1} . . . under the provisions of the [^{F2}Acquisition of Land Act 1981 or of Schedule 1 to] the Scottish Acquisition of Land Act, as applied, in relation to compulsory rights orders, by section four of this Act.

Textual Amendments

- F1** Words repealed by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(4), [Sch. 12 Pt. II](#).
- F2** Words substituted by [Acquisition of land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(1), [Sch. 4 para. 11\(6\)](#)

- 4 The preceding provisions of this Schedule shall not apply to any notice for which a method of service is prescribed by regulations under this Act, except in so far as any of those provisions are applied by those regulations.

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