

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

## SCHEDULES

### <sup>F1</sup>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**F1** Sch. 10 repealed by 1986 c. 63, s. 39(4), **Sch. 12 Pt.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)

### <sup>F1</sup>PART I

#### GENERAL

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**F1** Sch. 10 repealed (11.12.1987) by **Housing and Planning Act 1986 (c. 63, SIF 86), s. 39(4), Sch. 12 Pt.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

- <sup>F21</sup> (1) In this Schedule, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
- “annual compensation under this Act” means compensation under any of the following provisions of this Act, that is to say, sections seventeen to twenty, the provisions of any of those sections as applied by section twenty-nine, and subsection (2) of section thirty-one;
- “the date of requisition”, in relation to any land, means the date on which possession of that land was or is taken in the exercise of emergency powers;
- “the existing arrangements”, in relation to any land which, at the commencement of this Act, is land already requisitioned for opencast operations, or land requisitioned as an opencast storage site, means the following provisions and arrangements in so far as they apply to that land, that is to say,—
- (a) the provisions of subsection (1) of section two of the <sup>M1</sup>Compensation (Defence) Act 1939, and
- (b) any arrangements in force at the commencement of this Act whereby compensation (either in substitution for, or in addition to, compensation under those provisions) is to be payable by or on behalf of the Minister in consequence of the taking or retention of possession of the land in the exercise of emergency powers;
- “interest”, in relation to any land, includes any right by virtue of which a person is entitled, or would (apart from this Act or any exercise of

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emergency powers) be entitled, to occupy that land, and also includes any right restrictive of the use of that land;

“land already requisitioned for opencast operations” means land of which possession has before the commencement of this Act been taken in the exercise of emergency powers, and is for the time being retained in the exercise of those powers for the purpose of working coal on that land, or on land contiguous therewith, by opencast operations, or for the purpose of restoring that land after it has been affected by the working of coal by such operations;

“land hereafter requisitioned for opencast operations” means land of which possession is after the commencement of this Act taken in the exercise of emergency powers for the purpose of working coal on that land, or on land contiguous therewith, by opencast operation, and is for the time being retained in the exercise of those powers for that purpose, or for the purpose of restoring that land after it has been affected by the working of coal by such operations;

“land requisitioned for opencast operations” means land which is either land already requisitioned for opencast operations or land hereafter requisitioned for such operations;

“land requisitioned as an opencast storage site” means land which fulfils the following conditions, that is to say, that—

- (a) possession of that land was taken in the exercise of emergency powers before the eighteenth day of December, nineteen hundred and fifty-seven;
- (b) possession of that land was on that day retained in the exercise of those powers for the purpose of storing, cleaning or sorting coal or otherwise preparing it for disposal, and continues for the time being to be so retained for that purpose; and
- (c) during the period beginning with that day and ending with the commencement of this Act, the coal stored or otherwise dealt with on that land has been wholly or mainly coal got by opencast operations;

“terminal compensation under this Act” means compensation under any of the following provisions of this Act, that is to say, sections twenty-one, twenty-two and twenty-three, or under the provisions of any of those sections as applied by section twenty-nine, or under subsection (3) of section thirty-one;

“terminal compensation under the Act of 1939” means compensation under paragraph (b) of subsection (1) of section two of the <sup>M2</sup>Compensation (Defence) Act 1939;

“terminal date”, in relation to any land of which (by virtue of the following provisions of this Schedule) possession ceases to be retained in the exercise of emergency powers by reason of its being comprised in a compulsory rights order, means the date on which that order ceases to have effect, and, in relation to any other land, means the date on which possession thereof ceases to be retained in the exercise of emergency powers.

- (2) Any reference in any provision of this Schedule to a sum paid on account of a prospective right to compensation of a description specified in that provision includes a reference to a sum paid in consideration of a waiver (whether total or partial) of a prospective claim to compensation of that description.

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**Textual Amendments**

**F2** Sch. 10 repealed (11.12.1987) by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(4), **Sch. 12 Pt. II**

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**Marginal Citations**

**M1** 1939 c. 75.

**M2** 1939 c. 75.

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