

SCHEDULES

TENTH SCHEDULE

TRANSITIONAL PROVISIONS

PART II

OPENCAST SITES

Compulsory rights orders in respect of requisitioned opencast sites

6 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.

7 Where the land comprised in a compulsory rights order consists exclusively of land requisitioned for opencast operations, 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.

8 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.

9 (1) Where the land comprised in a compulsory rights order consists of or includes land requisitioned for opencast operations, and it appears to the Board 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 Board consider necessary in the circumstances ;

(b) the order shall state the reasons for which the Board consider it necessary that the period specified in the order should so extend ; and

Status: This is the original version (as it was originally enacted).

- (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 Board 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.
- 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 ".
- 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.
- 12 Section thirty-six of this Act shall not apply to land comprised in an opencast site order which, immediately before the operative date of the order, is land requisitioned for opencast operations.