
Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, Paragraph 10. (See end of Document for details)

SCHEDULES

THIRD SCHEDULE

PROVISIONS AS TO COMPENSATION BY WAY OF PAYMENT OF COST OF WORKS

- 10 (1) If, in a case where a notice has been given under paragraph 2 of this Schedule, and [F¹the final operator][F²has served] a counter-notice objecting to the work specified in the notice, or to one or more items thereof,—
- (a) the applicant incurs expenses in carrying out work to which the objection relates, without having required the question whether the objection is well-founded to be referred to the Tribunal, and claims compensation in respect of those expenses.
 - (b) on a reference to the Tribunal with respect to that claim [F¹the final operator][F³maintains]the objection, and
 - (c) on that reference the Tribunal determines that the objection is well-founded, the provisions of heads (a) to (c) of sub-paragraph (3) of the last preceding paragraph shall apply (subject to the following provisions of this paragraph) as they apply in the circumstances mentioned in that sub-paragraph.
- (2) Where the objection was on the grounds mentioned in sub-paragraph (c) of paragraph 4 of this Schedule (otherwise than in a case falling within paragraph 5 of this Schedule) so much of the preceding sub-paragraph as relates to the maintenance of the objection, and to a determination that the objection is well-founded, shall apply as if, in the said sub-paragraph (c), the reference to the estimated cost of the work were a reference to the proper cost of the work.
- (3) Where the objection was on the grounds mentioned in the substituted sub-paragraph (c), within the meaning of paragraph 5 of this Schedule, so much of sub-paragraph (1) of this paragraph as relates to the maintenance of the objection, and to a determination that the objection is well-founded, shall apply as if, in the said paragraph 5, any reference to the relevant date were a reference to the date on which the question whether compensation is payable in respect of expenses incurred in carrying out the new work (within the meaning of that paragraph) falls to be determined by the Tribunal, and the objection had been formulated accordingly.

Textual Amendments

- F1** Words in Sch. 3 para. 10 substituted (31.10.1994) by 1994 c. 21, Sch. 8 para. 40(1)(b) (with s.40(7)); S.I. 1994/2553, art. 2
- F2** Words in Sch. 3 para. 10(1) substituted (31.10.1994) by 1994 c. 21, s. 52, Sch. 8 para. 40(6)(a) (with s. 40(7)); S.I. 1994/2553, art. 2
- F3** Word in Sch. 3 para. 10(1)(b) substituted (31.10.1994) by 1994 c. 21, s. 52, Sch. 8 para. 40(6)(b) (with s. 40(7)); S.I. 1994/2553, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Opencast Coal Act 1958, Paragraph 10.