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STATUTORY INSTRUMENTS

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**1994 No. 3097**

**COAL INDUSTRY**

**The Opencast Coal (Compulsory Rights, Drainage  
and Rights of Way) (Forms) Regulations 1994**

*Made* - - - - *2nd December 1994*  
*Laid before Parliament* *9th December 1994*  
*Coming into force* - - *31st December 1994*

The Secretary of State, in exercise of the powers conferred by sections 4(1A)(b), 15A(1), (1A), (4), (5)(c) and (10), 16(2A)(c) and 49(1) of the Opencast Coal Act 1958<sup>(1)</sup> (“the 1958 Act”), sections 10(2), 11(1), 12, 15, 22 and 29 of the Acquisition of Land Act 1981<sup>(2)</sup> as applied by sections 4(4A) and 16(4A)(a) of the 1958 Act<sup>(3)</sup>, and paragraphs 2, 3, 6, 13 and 18 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947<sup>(4)</sup> as applied by section 4(5) of, and Part I of Schedule 2 to, the 1958 Act<sup>(5)</sup>, and now vested in him<sup>(6)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Regulations—

**Citation and commencement**

1. These Regulations may be cited as the Opencast Coal (Compulsory Rights, Drainage and Rights of Way) (Forms) Regulations 1994, and shall come into force on 31st December 1994.

**Interpretation**

2. In these Regulations—

“the 1947 Act” means the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

“the 1958 Act” means the Opencast Coal Act 1958;

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- (1) 1958 c. 69: section 15A is inserted by the Housing and Planning Act 1986 (c. 63) Schedule 8, paragraph 6. Subsection (1A) of section 4, subsection (1A) of section 15A and subsection (2A) of section 16 are inserted by the Coal Industry Act 1994 (c. 21) Schedule 8, paragraphs 2(2), 13(2) and 14(2).
- (2) 1981 c. 67: section 29 is amended by paragraph 27 of Schedule 9 to the Coal Industry Act 1994; see also the definition of “prescribed” in section 29(10).
- (3) Section 4(4A) is inserted by paragraph 11(2) of Schedule 4 to the Acquisition of Land Act 1981. Section 16(4A) is inserted by paragraph 11(4) of Schedule 4 to that Act, and is amended by paragraph 14(5) of Schedule 8 to the Coal Industry Act 1994.
- (4) 1947 c. 42.
- (5) Section 4(5) is applied in part to drainage orders by section 16(5) of the Opencast Coal Act 1958 as substituted by the Coal Industry Act 1994, Schedule 8, paragraph 14(7). See in particular the definition of “prescribed” in paragraph 11 of Schedule 2 to the Opencast Coal Act 1958.
- (6) See the definition of “the Minister” in section 51 of the Opencast Coal Act 1958, S.I.1969/1498 and 1970/1537.

“the 1981 Act” means the Acquisition of Land Act 1981;  
and any reference to a numbered form is a reference to the form bearing that number in the Schedule to these Regulations, or to a form substantially to the same effect.

### **Prescribed forms in connection with compulsory rights orders**

3. The prescribed forms in relation to the provisions mentioned below are as follows—
- (a) in relation to England and Wales—
    - (i) form 1 is the prescribed form for the purposes of section 4(1A)(b) of the 1958 Act; and in respect of the following provisions of the 1981 Act as applied by section 4(4A) of the 1958 Act—
    - (ii) form 2 is the prescribed form for the purposes of section 10(2);
    - (iii) form 3 is the prescribed form for the purposes of sections 11(1) and 15;
    - (iv) form 4 is the prescribed form for the purposes of section 12(7);
    - (v) form 5 is the prescribed form for the purposes of section 22; and
  - (b) in relation to Scotland—
    - (i) form 1 is the prescribed form for the purposes of section 4(1A)(b) of the 1958 Act; and in respect of the following provisions of Schedule 1 to the 1947 Act as applied by section 4(5) as read with section 4(8) of the 1958 Act;
    - (ii) form 2 is the prescribed form for the purposes of paragraph 2;
    - (iii) form 3 is the prescribed form for the purposes of paragraphs 3(a) and 6;
    - (iv) form 4 is the prescribed form for the purposes of paragraph 3(b); and
    - (v) form 5 is the prescribed form for the purposes of paragraph 13.

### **Prescribed forms in connection with rights of way orders**

4. The prescribed forms in relation to the subsections of section 15A of the 1958 Act mentioned below are as follows—
- (a) for the purposes of subsection (1) and, as regards that subsection, subsection (5)(c), form 6;
  - (b) for the purposes of subsection (1A) and, as regards that subsection, subsection (5)(c), form 7;
  - (c) for the purposes of subsection (10) form 8.

### **Prescribed forms in connection with drainage orders**

5. The prescribed forms in relation to the provisions mentioned below are as follows—
- (a) in relation to England and Wales—
    - (i) form 9 is the prescribed form for the purposes of section 16(2A)(c) of the 1958 Act; and in respect of the following provisions of the 1981 Act as applied by section 16(4A) of the 1958 Act—
    - (ii) form 10 is the prescribed form for the purposes of section 10(2);
    - (iii) form 11 is the prescribed form for the purposes of sections 11(1) and 15;
    - (iv) form 12 is the prescribed form for the purposes of section 12; and

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(7) Section 12 in its relevant form is set out in section 29(4) of the Acquisition of Land Act 1981.

- (v) form 5 is the prescribed form for the purposes of section 22;
- (b) in relation to Scotland—
  - (i) form 9 is the prescribed form for the purposes of section 16(2A)(c) of the 1958 Act; and in respect of the following provisions of Schedule 1 to the 1947 Act as applied by section 16(5) as read with section 16(9) of the 1958 Act—
    - (ii) form 10 is the prescribed form for the purposes of paragraph 2;
    - (iii) form 11 is the prescribed form for the purposes of paragraph 3(a) and 6;
    - (iv) form 12 is the prescribed form for the purposes of paragraph 3(b); and
    - (v) form 5 is the prescribed form for the purposes of paragraph 13.

### **Prescribed particulars**

**6.** Particulars of the matters specified in subsection (1) or, as the case may be, subsection (1A) of section 15A of the 1958 Act are prescribed for the purposes of section 15A(5)(c)

### **Revocation and transitional provision**

**7.—(1)** The Opencast Coal (Compulsory Rights and Rights of Way) (Forms) Regulations 1987(**8**) are hereby revoked.

(2) Nothing in paragraph (1) shall affect the operation of those Regulations in relation to paragraph 9 of Schedule 10 to the Coal Industry Act 1994.

2nd December 1994

*John Gummer*  
One of Her Majesty's Principal Secretaries of  
State

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## SCHEDULE

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Notice to owners, lessees and occupiers of the making of a drainage order.

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Signature  
Explanatory Note

FORM 1 NOTICE TO PERSONS DIRECTLY CONCERNED OF AN APPLICATION FOR AN ORDER CONFERRING COMPULSORY RIGHTS *OPENCAST COAL ACT 1958*

Regulation 3

..... COMPULSORY RIGHTS APPLICATION 19... (a)

I am applying to the Coal Authority for an order under section 4 of the Opencast Coal Act 1958 conferring temporary rights of [occupation and] (b) use of land as described below in connection with the working of coal by opencast operations.

Opencast planning permission for the working has been [applied for] [granted] (b).

The effect of the order would be to give [the public a non-vehicular temporary way over the land described below (c), and] (d) (e) rights similar to those of a [freeholder] [person with dominium utile] (f) to enter and occupy the land described below, [to the exclusion of other persons] (g).

If the Coal Authority makes the order you will receive a further notice explaining how objections to the order may be made to the Secretary of State, to whom the order must be submitted for confirmation. The order would have no effect unless confirmed by the Secretary of State.

RIGHTS APPLIED FOR (h)  
LAND OVER WHICH RIGHTS ARE APPLIED FOR (i)

*Date* *Name of Applicant*

*Notes*

- (a) Insert an appropriate name relating to the location of the land concerned.
- (b) Use whichever version reflects the position.
- (c) If a copy map is being provided with the Notice, it would be helpful to refer to it here.
- (d) Use only where the order provides for an alternative way.
- (e) Insert name of applicant.
- (f) Use the first alternative if the land is in England or Wales: the second if it is in Scotland.
- (g) Include where the application seeks rights of actual occupation.
- (h) Specify the actual rights.
- (i) The description should identify and locate the land.

FORM 2 *OPENCAST COAL ACT 1958*

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..... COMPULSORY RIGHTS ORDER 19... (a)

The Coal Authority, being satisfied that (b) [is a licensed operator within the meaning of the Coal Industry Act 1994] [has an application to the Authority for a licence under Part II of the Coal Industry Act 1994 which is pending] (c) and has served notice in the prescribed form of the application for the order on every person who is known to him to be a person who would, in relation to the order applied for, be directly concerned, and that, in respect of the land comprised in the following order, opencast planning permission [has been granted] [has been applied for] [is deemed to have been granted] (c) [under the reference .....] (d), and in exercise of their powers under section[s] 4 [and 8(1)] (e) [and 15(6)(d)] (f) of the Opencast Coal Act 1958 hereby make the following Order:

1. This Order may be cited as the (g) Compulsory Rights Order 19 .
2. This Order confers upon (b) for the purpose of facilitating the working of coal by opencast operations temporary rights of [occupation and] (h) use of land specified in [the] (c) Schedule [1] (c) and more particularly shown (i) on the map prepared in duplicate, signed by a duly authorised officer of the Authority and marked "Map referred to in the (g) Compulsory Rights Order 19 ", one duplicate being attached to this Order and the other deposited at the offices of the Authority.
3. This Order shall have effect from the date on which it becomes operative for a period of (j) years.
4. The operation of this Order shall be limited to the [interests] [rights] (c) specified in Schedule 2 below.] (e)
5. The land which is described in Schedule [2] [3] (c) below and shown (i) on the map referred to in article 2 of this Order shall be made available during the period for which this Order is to have effect subject to the like rights, trusts and incidents as attach to such of the land referred to in Schedule 1 as forms part of [a common] [an open space] [a fuel or field garden allotment] (c.) (k)
6. The land to which this Order relates includes land of a description specified in [section [16] [18] [19] (c) of the Acquisition of Land Act 1981] [paragraph [9] [10] [11] (j) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947] (c) namely:  
 Number of map.....Description.....] (m)
7. The land to which this Order relates includes land to which section 9(4) of the Opencast Coal Act 1958 applies (land formerly requisitioned under emergency powers, namely—  
 Number on map..... Description.....] (n)

Date and signature

SCHEDULE [1]

LAND OVER WHICH RIGHTS ARE CONFERRED

<i>Number on map (o)</i>	<i>Description (extent and situation) (p)</i>	<i>Name of owner or reputed owner</i>	<i>Name of lessee or reputed lessee</i>	<i>Name of occupier and any other person directly concerned (q)</i>
(1)	(2)	(3)	(4)	(5)

[SCHEDULE 2  
LIMITED [INTERESTS] [RIGHTS] (c) CONFERRED] (r)

[SCHEDULE [2] [3]  
EXCHANGE LAND] (s)

*Notes*

- (a) the title should reflect the location of the land over which rights are to be conferred.
- (b) Insert name of applicant.
- (c) Use the option which reflects the position.
- (d) Omit unless permission has been granted or is deemed granted. Where it has, give appropriate reference.
- (e) Omit unless the order is a limited compulsory rights order.
- (f) Omit unless an alternative way over land not a part of, but contiguous with, the land to which the opencast planning permission relates is to be made available.
- (g) Give the title of the order.
- (h) Omit if the order is to provide only a right of use of the land.
- (i) Refer to the colour or other marking used on the map to identify the land.
- (j) The period may not exceed twenty years.
- (k) Include this article only where the order confers rights over land forming part of a common, open space or fuel or field garden allotment as defined in section 19(4) of the Acquisition of Land Act 1981 as respects England and Wales, and section 7(1) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, as respects Scotland.
- (l) Insert appropriate paragraph number.
- (m) Include this article where appropriate.
- (n) Include this article where the order confers rights over requisitioned land.
- (o) Where the order relates to two or more parcels of land they should be numbered 1, 2 etc. on the map and referred to accordingly in column (1).
- (p) Give an approximate area and other details sufficient to identify the land.
- (q) See the definition in section 5(6) of the Opencast Coal Act 1958. Do not include persons whose names have been shown under column (3) or (4).
- (r) Specify the interests and rights mentioned in section 8(2) of the Opencast Coal Act 1958 which are relevant.
- (s) Where article 5 is included, insert a description of the land to be made available under that article.

FORM 3NEWSPAPER NOTICE OF MAKING OR NOTICE OF CONFIRMATION OF A  
COMPULSORY RIGHTS ORDER *OPENCAST COAL ACT 1958*

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Regulation 3

..... COMPULSORY RIGHTS ORDER 19 .... (a)

The [Coal Authority] [Secretary of State] (b) in exercise of [their] [his] (b) powers under section 4 [and 8(1)] [and 15(6)(d)] (c) of the Opencast Coal Act 1958, [have made] [has confirmed] (b) the Order 19 (a) [, and are about to submit the order to the Secretary of State for confirmation]. (b)

The land described below is required for the purpose of facilitating the working of coal by opencast operations in respect of which opencast planning permission has been [applied for] [granted] (b).

A copy of the order and of the accompanying map may be inspected at (d) [at all reasonable hours] (e). [Objections giving the grounds for objection to the order may be made in writing to the Secretary of State at (f) within (g).] (h)

[A copy of the order as confirmed is enclosed.] (i)

LAND OVER WHICH RIGHTS ARE CONFERRED (j)

[RIGHTS CONFERRED] (k)

*Date and signature*

*Notes*

- (a) Insert title of order.
- (b) Omit alternatives which are not applicable.
- (c) Follow the order.
- (d) The Acquisition of Land Act 1981 and its Scottish equivalent require the place to be "in the locality": it should therefore be within easy reach of persons living near the site.
- (e) Omit unless notice is being given of confirmation of the order.
- (f) Give address.
- (g) The period should not be less than 21 days.
- (h) Omit unless notice is being given of the making of the order.
- (i) Include this paragraph only in a notice of confirmation served upon persons known to be directly concerned.
- (j) The description should identify and locate the land affected.
- (k) Omit if the order is a compulsory rights order which is not limited.

FORM 4 NOTICE TO PERSONS DIRECTLY CONCERNED OF THE MAKING OF A COMPULSORY RIGHTS ORDER *OPENCAST COAL ACT 1958*



**NOTICE OF MAKING OF.....COMPULSORY RIGHTS ORDER 19...(a)**

**1.** The Coal Authority have made the Compulsory Rights Order 19 (a) and are about to submit it to the Secretary of State for confirmation. (b) requires the rights conferred by the order in connection with the working of coal by opencast operations.

**2.** The effect of the order, if confirmed, will be to give [the public a non-vehicular temporary way over the land described below, and] (c) (b) [rights similar to those of a [freeholder] [person with dominium utile] (d) to enter and occupy the land described below, [to the exclusion of other persons] (e)] [the rights described below over the interests and land described below] (f) from the date of entry for the remainder of the period during which the order is effective and to carry out operations for extracting coal. The order will be effective for (g) years from the operative date which unless varied by the Secretary of State [or otherwise determined by section 6 of the Statutory Orders (Special Procedure) Act 1946] (h) will be the date when notice of confirmation is first published in a local newspaper in accordance with [section 15 of the Acquisition of Land Act 1981] [paragraph 6 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947] (d). [The rights which the order confers on (b) are set out in section 5(4) and (5) of the Opencast Coal Act 1958 (reproduced below).] (i)

**3.** If you wish to object to the order you may do so by setting out your grounds for objection in writing and sending them to the Secretary of State at (j) within (k).

**LAND [AND INTERESTS] (l) OVER WHICH RIGHTS ARE CONFERRED (m)**

**RIGHTS CONFERRED (n)**

*[The text of section 5(4) and (5) of the 1958 Act to be printed here.] (i)*

*Date and signature*

**Notes**

- (a) Insert title of order.
- (b) Insert name of applicant.
- (c) Use only where the order provides for an alternative way.
- (d) Use the first alternative if the land is in England or Wales; the second if it is in Scotland.
- (e) Use where the order confers rights of actual occupation.
- (f) Use the second alternative if the order is a limited compulsory rights order.
- (g) Give the period stated in the order.
- (h) Omit unless the order is to be subject to special parliamentary procedure.
- (i) Include only in connection with a compulsory rights order which is not limited.
- (j) Insert address.
- (k) The period must not be less than 21 days; it is desirable that the period given should correspond with that given in the newspaper notice.
- (l) Include only if the order is a limited compulsory rights order and then if applicable.
- (m) The description should identify and locate the land.
- (n) Include if an alternative way is to be made available, or the order is a limited compulsory rights order.

FORM 5NEWSPAPER NOTICE OF GIVING OF CERTIFICATE UNDER SECTION 16, 19 OR 20 OF THE ACQUISITION OF LAND ACT 1981 OR PART III OF SCHEDULE 1 TO THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947OPENCAST COAL ACT 1958

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Regulations 3 and 5

1. The Order 19 (a), which has been submitted by the Coal Authority to the Secretary of State for confirmation includes the land described below.

2. (b) This land was acquired by (c) for the purposes of their undertaking and the Secretary of State is satisfied that [it is used] [an interest is held in it] (d) for the purposes of the carrying on of their undertaking.

[2. This land [is] [forms part of] [a common] [an open space] [a fuel or field garden allotment] (d) as defined in [section 19(4) of the Acquisition of Land Act 1981] [section 7(1) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947]. (e).

3. The Secretary of State, in exercise of his powers under [section [16] [19] of the Acquisition of Land Act 1981] [paragraph [10][11] of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947] (e), has certified (f).

4. The certificate becomes operative on the date on which this notice is first published; but a person aggrieved may, by application to the [High Court] [Court of Session] (e) within six weeks from that date, question its validity on the grounds that a relevant statutory requirement has not been complied with.

#### LAND TO WHICH THE CERTIFICATE RELATES (g)

*Date and signature*

#### Notes

- (a) Insert the title of the order.
- (b) Use whichever form of paragraph 2 is appropriate.
- (c) Name the statutory undertaker.
- (d) Use whichever form of words is appropriate.
- (e) Use the relevant part of the first alternative if the land is in England or Wales; the relevant part of the second if it is in Scotland.
- (f) Insert the terms of the certificate.
- (g) Insert description of the land.

FORM 6NOTICE OF AN APPLICATION FOR AN ORDER SUSPENDING A PUBLIC RIGHT OF WAYOPENCAST COAL ACT 1958

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Regulation 4(a)

.....RIGHT OF WAY APPLICATION 19....(a)

(b) in connection with the working of coal by opencast operations proposes to apply under section 15 of the Opencast Coal Act 1958 to the Coal Authority for an order suspending the non-vehicular right of way described in the Schedule below.

(c) [It is proposed that an alternative way for use by the public during the period for which the order will be in force will be made available as described in the Schedule below.] [No alternative way is to be made available.] (d).

Opencast planning permission has been [applied for] [granted] (d).

A copy of the application and of a map showing the right of way can be inspected at (e).

**SCHEDULE**

**RIGHT OF WAY TO BE SUSPENDED (f)**  
**[ALTERNATIVE WAY] (f)-(g)**

*Date*

*Name of Applicant*

*Notes*

- (a) Insert an appropriate name relating to the location of the right of way.
- (b) Insert name of applicant.
- (c) This paragraph should be omitted if the application was made before 31 October 1994.
- (d) Use whichever version reflects the position.
- (e) The Opencast Coal Act 1958 requires the place to be “in the locality”: it should therefore be within easy reach of people living near the right of way.
- (f) Give sufficient description for the route of the way to be identified without reference to a map.
- (g) Omit where no alternative way is to be made available.

FORM 7NOTICE OF AN APPLICATION FOR THE CONFIRMATION OF AN ORDER  
SUSPENDING A PUBLIC RIGHT OF WAYOPENCAST COAL ACT 1958

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 4(b)

..... RIGHT OF WAY APPLICATION 19 ... (a)

The Coal Authority has made an order under section 15 of the Opencast Coal Act 1958 that will suspend the non-vehicular right of way described below in connection with the working of coal by opencast operations and has submitted the order to the Secretary of State for confirmation.

[An alternative way for use by the public during the period for which the order will be in force will be made available as described in the Schedule below.] [No alternative way is to be made available.] (b)

Opencast planning permission has been [applied for] [granted] (b).

A copy of the order and of a map showing the right of way can be inspected at (c)

Objections to the confirmation of the order may be made in writing to the Secretary of State at (d) within (e).

RIGHT OF WAY TO BE SUSPENDED (f)

[ALTERNATIVE WAY] (f) (g)

On behalf of the Coal Authority

Date

Notes

- (a) The title should reflect the location of the right of way.
- (b) Use whichever version reflects the position.
- (c) The Opencast Coal Act 1958 requires the place to be "in the locality": it should therefore be within easy reach of people living near the right of way.
- (d) Insert address.
- (e) Insert appropriate period: the minimum period is 28 days (i.e. clear days) from the date of the last newspaper notice, whether in the local newspaper or the appropriate Gazette.
- (f) Give sufficient description for the route of the way to be identified without reference to a map.
- (g) Omit where no alternative way is to be made available.

FORM 8NEWSPAPER/GAZETTE NOTICE OF CONFIRMATION OF AN ORDER SUSPENDING A PUBLIC RIGHT OF WAYOPENCAST COAL ACT 1958

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Regulation 4(c)

..... ORDER 19 ... (a)

On (b) the Secretary of State in exercise of his powers under section 15 of the Opencast Coal Act 1958 confirmed the (a) Order 199 , made by the Coal Authority upon the application of (c), suspending the right of way described below.

The order will come into operation on (d).

A copy of the order and of any map to which it refers may be inspected at (e) at all reasonable hours.

**SUSPENDED RIGHT OF WAY (f)**

*Date* *Name of Applicant*

*Notes*

(a) Insert title of order.

(b) Give date on which the order was confirmed.

(c) Insert name of applicant.

(d) Give the date specified in the order.

(e) The Opencast Coal Act 1958 requires the place to be "in the locality": it should therefore be within easy reach of people living near the right of way.

(f) Give sufficient description for the route of the right of way to be identified without reference to a map. The description need not be as detailed as on the application.

FORM 9NOTICE TO OWNERS, LESSEES AND OCCUPIERS OF AN APPLICATION FOR AN ORDER CONFERRING DRAINAGE AND/OR WATER SUPPLY RIGHTSOPENCAST COAL ACT 1958

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 5

..... DRAINAGE APPLICATION 19 . . . (a)

I am applying to the Coal Authority for an order under section 16 of the Opencast Coal Act 1958 conferring the temporary right to place, use, repair, maintain and replace [drainage works] [and] [water pipes] [and to discharge water] (b), as described below, on the land described below in connection with the working of coal by opencast operations.

Opencast planning permission for the working has been (applied for) (granted) (b).

The effect of the order would be to give me the temporary right to place the following, above or below ground, on the land described below (c):

[for the purpose of draining the land which [has] [will have] the benefit of planning permission for opencast mining, drainage works] [; and] (b)

[for the purpose of bringing a supply of water to [the land which [has] [will have] the benefit of planning permission for opencast mining] [that land], water pipes] (b)

and the right to use, repair, maintain, replace and remove those [works] [and] [water pipes]. (b)

If the Coal Authority makes the order you will receive a further notice explaining how objections to the order may be made to the Secretary of State, to whom the order must be submitted for confirmation. The order would have no effect unless confirmed by the Secretary of State.

**RIGHTS APPLIED FOR (d)**

**LAND OVER WHICH RIGHTS ARE APPLIED FOR (e)**

*Date* *Name of Applicant*

*Notes*

- (a) Insert an appropriate name relating to the location of the land concerned.
- (b) Use whichever version reflects the position.
- (c) If a copy map is being provided with the Notice, it would be helpful to refer to it here.
- (d) Specify the actual rights.
- (e) The description should identify and locate the land.

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.....DRAINAGE ORDER 19.....(a)

The Coal Authority, being satisfied that (b) is the person who [has] [will have] (c) the benefit of the opencast planning permission, is a [licensed operator within the meaning of the Coal Industry Act 1994] [person whose application to the Authority for a licence under Part II of the Coal Industry Act 1994 is pending] (c) and has served notice in the prescribed form of the application for the order on every owner, lessee and occupier of the land over which rights are conferred (except tenants for a month or any period less than a month, in exercise of their powers under section 16 of the Opencast Coal Act 1958 hereby make the following Order:

1. This Order may be cited as the Drainage Order 19 (d).

2. This Order confers upon (b) with effect from the date on which notice of confirmation of this Order is first published in accordance with [section 15 of the Acquisition of Land Act 1981] [paragraph 6 of Schedule 1 to the Acquisition of Land Act 1981] [paragraph 6 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947] (e) temporary rights to place, above or below ground, and to use, repair, maintain, replace and remove.

[(1) for the purpose of draining land in respect of which opencast planning permission has been [applied for] [granted] (c) drainage works,] [with a right to discharge water,] [and] (c)

[(2) for the purpose of bringing a water supply to the land in respect of which opencast planning permission has been [applied for] [granted] (c), water pipes,] (c)

as specified in [the] Schedule [1] below, upon the land specified in that Schedule, the permitted works and land affected being delineated and shown (f) and (f) respectively on the map prepared in duplicate, signed by a duly authorised officer of the Authority and marked "Map referred to in the Drainage Order 19 (d)", one duplicate being attached to this Order and the other deposited at the offices of the Authority.

3. This Order shall have effect from the date on which it becomes operative for a period of (g) years.

[4. The land which is described in Schedule 2 below and shown (f) on the map referred to in article 2 of this Order shall be made available during the period for which this Order is to have effect subject to the like rights, trusts and incidents as attach to such of the land referred to in Schedule 1 as forms part of [a common] [open space] [a fuel of field garden allotment].] (h).

[5. This Order includes land falling within special categories to which [Part III of the Acquisition of Land Act 1981 as applied by section 16 (4A)] [Part III of Schedule 1 to the Aquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as applied by section 16(5)] (e) of the Opencast Coal Act 1958 applies, namely—

.....Number on map .....Description.] (i)

*Date and signature*

SCHEDULE [1]

LAND OVER WHICH RIGHTS ARE CONFERRED

<i>Number on Map (j)</i>	<i>Description (extent and situation) (k)</i>	<i>Name of owner or reputed owner</i>	<i>Name of lessee or reputed lessee</i>	<i>Name of occupier and any other person directly concerned (l)</i>
(1)	(2)	(3)	(4)	(5)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**RIGHTS CONFERRED (m)**  
**LAND [BENEFITING FROM] [THE SUBJECT OF]**  
**OPENCAST PLANNING PERMISSION [APPLICATION] (c)**

**[SCHEDULE 2**  
**EXCHANGE LAND] (n)**

*Notes*

- (a) Insert an appropriate title relating to the location of the land over which rights are conferred.
- (b) Insert name of applicant.
- (c) Use option which reflects the position.
- (d) Insert title of the Order.
- (e) Use the first alternative if the land is in England or Wales; the second if it is in Scotland.
- (f) Refer to the colour or other marking used on the map to identify the land.
- (g) The period may not exceed twenty years.
- (h) Use this article only where the order confers rights over land of a description mentioned in the article.
- (i) Use this article when the order confers rights over land of a special category and insert the appropriate description of the category.
- (j) Where there are two or more parcels they should be numbered 1, 2 etc. on the map and referred to accordingly in column (1).
- (k) The entry in this column should tell a reader roughly where the land is situated, but without reference to a map.
- (l) See the definition in section 5(6) of the Opencast Coal Act 1958. Do not include persons whose names have been shown under column (3) or (4).
- (m) Specify the rights conferred, and the position/route of the permitted works/pipes and access to them by reference to the map certified for the purpose of article 2.
- (n) Insert a description of any land to be made available under article 4.

FORM 11NEWSPAPER NOTICE OF MAKING OR NOTICE OF CONFIRMATION OF A  
DRAINAGE ORDER *OPENCAST COAL ACT 1958*



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

..... DRAINAGE ORDER 19.... (a)

The [Coal Authority] [Secretary of State] (b) in exercise of [their] [his] (b) powers under section 16 of the Opencast Coal Act 1958, [have made] [has confirmed] (b) the Drainage Order 19 (a) [, and are about to submit the order to the Secretary of State for confirmation]. (b)

Use of the land described below is required for the purpose of [draining] [bringing a supply of water to] (b) land in respect of which opencast planning permission has been [applied for] [granted] (b).

A copy of the order and of the accompanying map may be inspected at (c) [at all reasonable hours] (d). [Objections giving the grounds for objection to the order may be made in writing to the Secretary of State at (e) within (f).] (g)

[A copy of the order as confirmed is enclosed.] (h)

LAND OVER WHICH RIGHTS ARE CONFERRED (i)

RIGHTS CONFERRED

LAND [BENEFITING FROM] [THE SUBJECT OF] OPENCAST PLANNING [PERMISSION] [APPLICATION] (b)

*Date and signature*

*Notes*

- (a) Insert title of order.
- (b) Omit alternatives which are not applicable.
- (c) The Acquisition of Land Act 1981 and its Scottish equivalent require the place to be "in the locality": it should therefore be within easy reach of persons living near the site.
- (d) Omit unless notice is being given of confirmation of the order.
- (e) Give address.
- (f) The period should not be less than 21 days.
- (g) Omit unless notice is being given of the making of the order.
- (h) Include this paragraph only in a notice of confirmation served upon persons known to be directly concerned.
- (i) The description should identify and locate the land affected.

FORM 12NOTICE TO OWNERS, LESSEES AND OCCUPIERS OF THE MAKING OF A DRAINAGE ORDER

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 5

**NOTICE OF MAKING.....DRAINAGE ORDER 19... (a)**

1. The Coal Authority have made the Drainage Order 19 (a) and are about to submit it to the Secretary of State for confirmation. (b) requires the rights conferred by the order in connection with the working of coal by opencast operations.

2. The effect of the order, if confirmed, will be to give (b) the temporary right to place the following, above or below ground, on the land described below—

[(1) for the purpose of draining the land which has the benefit of planning permission for opencast mining, drainage works] [; and] (c)

[(2) for the purpose of bringing a supply of water to that land, water pipes,] (c)

and the right to use, repair maintain, replace and remove those [works] [and] [water pipes]. (c)

3. The order will be effective for (d) years from the operative date which unless varied by the Secretary of State [or otherwise determined by section 6 of the Statutory Orders (Special Procedure) Act 1946] (e) will be the date when notice of confirmation is first published in a local newspaper in accordance with [section 15 of the Acquisition of Land Act 1981] [paragraph 6 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947] (f).

4. If you wish to object to the order you may do so by setting out your grounds for objection in writing and sending them to the Secretary of State at (g) within (h).

**LAND OVER WHICH RIGHTS ARE CONFERRED (i)**

**RIGHTS CONFERRED**

*[The text of section 5(4) and (5) of the 1958 Act to be printed here.] (i)*

*Date and signature*

*Notes*

(a) Insert title of order.

(b) Insert name of applicant.

(c) Use appropriate alternative.

(d) Give the period stated in the order.

(e) Omit unless the order is to be subject to special parliamentary procedure.

(f) Use the first alternative if the land is in England or Wales; the second if it is in Scotland.

(g) Insert address.

(h) The period must not be less than 21 days; it is desirable that the period given should correspond with that given in the newspaper notice.

(i) The description should identify and locate the land.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the forms of certain orders under the Opencast Coal Act 1958 and the forms of the notices and advertisements to be given in connection with applications for, and the making and confirming of such orders. The orders in question are orders conferring compulsorily temporary rights of occupation, and of use of land for drainage and water supply purposes, on opencast coal operators to facilitate their operations and orders temporarily suspending non-vehicular rights of way for the same purpose.

The Regulations replace the Opencast Coal (Compulsory Rights and Rights of Way) (Forms) Regulations 1987, making the changes necessary in the light of the Coal Industry Act 1994.