



# Coal industry Act 1994

## 1994 CHAPTER 21

### PART III

#### RIGHTS AND OBLIGATIONS IN CONNECTION WITH COAL MINING

##### *Opencast operations*

#### 52 Opencast operations

- (1) The following powers under the Opencast Coal Act 1958 (“the 1958 Act”) shall not be exercisable at any time after 31st December 1999, that is to say—
- (a) the power to make a compulsory rights order;
  - (b) the power under section 15 of that Act to make an order suspending a right of way; and
  - (c) the power to make an order under section 16 of that Act (orders conferring rights for the purposes of drainage or water supply);
- and the Secretary of State shall not, at any time after that date, give a direction designating any land for the purposes of section 39(2) of that Act (rights of entry) except on an application made to him before that date by the Authority.
- (2) Subject to subsection (1) above and to any transfers in accordance with a restructuring scheme of any rights or liabilities under the 1958 Act, that Act shall have effect on and after the restructuring date with the amendments specified in Schedule 8 to this Act (which, as well as making other minor amendments of that Act, makes the modifications, in relation to the period before 31st December 1999, which are requisite for enabling orders under that Act to be made in favour of persons other than the Corporation).
- (3) Subsection (1) above shall be without prejudice to the effect after 31st December 1999 of anything done under the 1958 Act on or before that date or generally to the operation of that Act in relation to anything so done.