
Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 7

RETAINED INTERESTS IN COPYHOLD LAND

PART I

CLAIMS IN RESPECT OF RETAINED INTERESTS

Challenge of rejection notice

- 5 (1) A claimant who—
- (a) has served a retained interest notice relating to any land (“the relevant land”), and
 - (b) is aggrieved by the service on him of a rejection notice relating to his retained interest notice, other than a rejection notice served in pursuance of an order under this paragraph,
- may, within the period of three months beginning with the date of service of the rejection notice, make an application to the county court for an order directing the withdrawal of the rejection notice and the service of an acceptance notice in respect of the retained interest which he claims.
- (2) On an application under this paragraph, the court may direct that, in addition to the applicant and the person who served the rejection notice, the Authority and any person other than the claimant who has given a retained interest notice relating to the whole or any part of the relevant land shall be made a party to the application unless, in the case of a person other than the claimant who has given a retained interest notice—
- (a) a rejection notice has already been served in respect of that retained interest notice; and
 - (b) the time within which that person might have made an application under this paragraph in respect of that rejection notice has expired without such an application having been made.
- (3) On an application under this paragraph the court shall determine whether—
- (a) the applicant,
 - (b) any other party to the application who contests the applicant’s claim, or
 - (c) any other person (whether a party to the application or not) on whom an acceptance notice relating to the whole or any part of the relevant land has been served,
- was, at the time when he gave his retained interest notice, entitled to a retained interest in the whole or any part of the relevant land and shall order the service (if it has not already been done) of an acceptance notice on that person or, if more than one of them were so entitled to a retained interest in the same piece of land, on that one of them whose retained interest notice was given first.

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- (4) An order under sub-paragraph (3) above may contain such provisions as the court considers appropriate—
- (a) for securing that every party to the application other than—
 - (i) the person to whom the retained interest notice in question was given, and
 - (ii) any person on whom an acceptance notice has been, or is ordered to be, served,is or has been served with a rejection notice; and
 - (b) where it appears to the court that an acceptance notice has been served which should not have been served, for securing—
 - (i) that the notice is cancelled; and
 - (ii) that the person who served the notice brings the cancellation to the attention of the person who, if the notice had not been cancelled, would have been the person with an actual or contingent entitlement to compensation under this Part of this Schedule in respect of the accepted interest.
- (5) If, in accordance with sub-paragraph (4) above, the court orders the cancellation of an acceptance notice, it shall be conclusively presumed for the purposes of sections 49 and 50 of this Act, and for the purposes of this Schedule, except this paragraph—
- (a) that the person on whom the acceptance notice was served did not have a retained interest in the relevant land at the time when he served his retained interest notice; and
 - (b) that a rejection notice was served in respect of that retained interest notice.
- (6) Nothing in paragraph 4 above shall affect the power of the court on an application under this paragraph (or in any subsequent proceedings) to make such order as to costs as it thinks fit; and any such order may make such modifications, if any, of a person's obligation under paragraph 4 above as appear to the court to be just in the light of the other provisions as to costs which are contained in the order.

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