

SCHEDULES

SCHEDULE 8

AMENDMENTS OF THE OPENCAST COAL ACT 1958

Effect of orders

- 3 (1) In subsection (2) of section 5 (effect of order), for “The Corporation” there shall be substituted “The person on whose application the order has been made”.
- (2) In subsections (4) and (5) of that section—
- (a) for the words “the Corporation”, in the first place where they occur in each subsection, there shall be substituted “the person entitled to the rights conferred by the order”; and
 - (b) for the words “the Corporation”, in the second and third places where they occur in each subsection, there shall be substituted “that person”.
- (3) After subsection (5) of that section there shall be inserted the following subsections—
- “(5A) Subject to subsection (5B) of this section, the rights conferred by a compulsory rights order—
- (a) shall be exercisable by a successor of the original applicant for the order only where the Coal Authority has transferred to that successor the entitlement to exercise the rights conferred by the order; but
 - (b) where the Coal Authority has so transferred them, shall not, at any time after the transfer, be exercisable by any person in his capacity as the original applicant or as a previous successor of that applicant;
- and references in this Act to the person entitled to the rights conferred by a compulsory rights order are references to the person who is for the time being the person by whom those rights are exercisable in accordance with section 4(1B) of this Act and this section.
- (5B) Where at any time after an application for a compulsory rights order has been made and before any order made on that application is confirmed—
- (a) any person becomes the successor of the original applicant for the order and notifies that fact—
 - (i) if no order has been made on the application, to the Coal Authority, or
 - (ii) if such an order has been made, to the Secretary of State,and
 - (b) the Authority or, as the case may be, the Secretary of State decides to proceed in relation to the application or order in accordance with this subsection,
- the provisions of this Act and of any enactment applied by this Act shall have effect as if the application had been made by that person, as if he had the same right to make it as the original applicant and as if anything done

Status: This is the original version (as it was originally enacted).

for the purposes of the application by or in relation to the original applicant or a previous successor had been done by or in relation to that person.

- (5C) The Coal Authority or, as the case may be, the Secretary of State—
- (a) shall make a transfer under subsection (5A) of this section by giving written notice of the transfer to each of the persons who, in consequence of the transfer, is to cease to be, or is to become, entitled to the rights conferred by the order;
 - (b) may by notice to the successor make any modifications of a compulsory rights order which are necessary in consequence only of the making of a transfer under subsection (5A) of this section; and
 - (c) may make a decision to proceed in accordance with subsection (5B) of this section subject to compliance by the successor giving the notification with such conditions as that Authority or the Secretary of State thinks fit.”