

SCHEDULES

SCHEDULE 8

AMENDMENTS OF THE OPENCAST COAL ACT 1958

Limitations on effect of orders

- 4 In section 7 (rights not affected by order)—
- (a) in subsection (2)(c)—
 - (i) for “authorisation” there shall be substituted “opencast planning permission”;
 - (ii) for “the Corporation have” there shall be substituted “the person entitled to the rights conferred by the compulsory rights order has”;
 - and
 - (iii) for the words from “under” to “applied” there shall be substituted “under the provisions of the Act of 1990, applied”;
 - (b) in subsection (3)(a)—
 - (i) for “made by the Corporation and” there shall be substituted “to which the person entitled to the rights conferred by the compulsory rights order is or is deemed to be a party and which is”; and
 - (ii) for “the Corporation are” there shall be substituted “that person is”;
 - and
 - (c) for subsections (8) and (9) of that section there shall be substituted—
 - “(8) In this section—
 - “statutory water undertakers” means—
 - (i) in England and Wales, the National Rivers Authority, a water undertaker or a sewerage undertaker; and
 - (ii) in Scotland, a water authority within the meaning of the Water (Scotland) Act 1980;
 - “local enactment”—
 - (i) in England and Wales, means any local statutory provision within the meaning of the Water Industry Act 1991; and
 - (ii) in Scotland, has the same meaning as in the Water (Scotland) Act 1980;
- and, in the application of this section to Scotland, for any reference to the Act of 1990 there shall be substituted a reference to the Town and Country Planning (Scotland) Act 1972.”