

SCHEDULES

SCHEDULE 8

AMENDMENTS OF THE OPENCAST COAL ACT 1958

Records of condition of land

- 27 (1) In subsection (1) of section 36 (records of condition of land to which compulsory rights order relates), for “the Corporation” there shall be substituted “a person entitled to the rights conferred by a compulsory rights order”.
- (2) In subsection (2) of that section (record of initial condition of land)—
- (a) for the words “the Corporation have” there shall be substituted “any person has”; and
 - (b) for the words “the Corporation shall” there shall be substituted “that person shall”.
- (3) In subsection (3) of that section (record of condition of land at end of period of occupation), for “the Corporation shall, at the end of the period of occupation” there shall be substituted “the person entitled immediately before the end of the period of occupation to the rights conferred by the order shall, at the end of that period”.
- (4) In subsection (5) of that section (service of records), for “the Corporation have caused a record to be made under this section they” there shall be substituted “any person has caused a record to be made under this section, he”.
- (5) In subsections (6), (7) and (8) of that section, for the words “the Corporation”, in each place where they occur, there shall be substituted “the person who served the record”.
- (6) In subsection (9) of that section, for “the Corporation” there shall be substituted “persons required to make records under this section”.
- (7) After subsection (9) there shall be inserted the following subsection—
- “(9A) If any person fails to cause any record to be made or served in accordance with any requirement imposed on him by this section—
 - (a) his obligation to comply with that requirement shall be enforceable by the Coal Authority as if it were a duty owed by that person to that Authority; and
 - (b) without prejudice to its rights by virtue of paragraph (a) above, that Authority may itself cause the record to be made and served in accordance with that requirement and may recover any expenses reasonably incurred in doing so from the person in contravention of that requirement.”