

SCHEDULES

FIRST SCHEDULE

Sections 1, 15, 39.

PROCEDURE FOR GRANTING AUTHORISATIONS UNDER SECTION ONE

- 1 The Minister shall not grant an authorisation under section one of this Act except in pursuance of an application made by the Board in accordance with the following provisions of this Schedule.
- 2 Every such application—
 - (a) shall be in the prescribed form, and shall describe by reference to a map the land which the Board will require to occupy for the purpose of enabling operations Which (if the authorisation is granted) will be authorised operations to be carried out (in this Schedule referred to as " the relevant land "), and
 - (b) shall indicate by reference to the map which are the parts of the relevant land on which it is proposed to work coal by opencast operations.
- 3 (1) Every such application shall also include the prescribed information as to the operations proposed to be carried out—
 - (a) for the purpose of working the coal;
 - (b) for the purpose of restoring land affected by the working of the coal or by operations connected therewith ;
 - (c) for any purpose incidental to either of those purposes.

(2) The information prescribed for the purposes of the preceding sub-paragraph shall be information of such descriptions, and containing such particulars as to the operations proposed to be carried out for the several purposes mentioned in that sub-paragraph, as in the opinion of the Minister would be requisite for enabling him to perform his functions under this Act with due regard to the nature, extent and duration of the proposed operations.
- 4 Before submitting to the Minister an application for the Minister's authorisation under section one of this Act, the Board shall—
 - (a) in two successive weeks publish in one or more local newspapers circulating in the locality in which the relevant land is situated and in the London Gazette a notice in the prescribed form stating the intention of the Board to submit the application to the Minister, describing the relevant land, naming a place in the locality where a copy of the application and of the map referred to therein can be inspected, and specifying the time (not being less than twenty-eight days from the first publication of the notice) within which, and the manner in which, objections to the application can be made;
 - (b) serve on every local planning authority in whose area any part of the relevant land is situated, and on every other local authority, being the council of a county, county borough or county district, in whose area any part of that land is situated, a notice in the prescribed form stating that the application is intended to be submitted to the Minister, and specifying the

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

time (not being less than twenty-eight days from the service of the notice) within which, and the manner in which, objections to the application can be made;

- (c) except in so far as the Minister directs that this provision shall not have effect in any particular case, serve a like notice on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any part of the relevant land;
- (d) in the case of any land with respect to which a direction is given under the last preceding sub-paragraph, affix to some conspicuous object or objects on the land a notice or notices in the prescribed form addressed to "the owners and any occupiers" of the land (describing it) containing the particulars required to be contained in a notice served under the last preceding sub-paragraph:

Provided that no direction under sub-paragraph (c) of this paragraph shall have effect in relation to an owner, lessee or occupier being a local authority or statutory undertakers or the National Trust.

- 5 (1) Where under the last preceding paragraph a notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.
- (2) In this paragraph "ecclesiastical property" means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of the bishop of a diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.
- 6 (1) In the case of any application under this Schedule where the Minister, after consultation with the Board, is satisfied that a compulsory rights order will be required in respect of the relevant land or part thereof, the Minister, if he thinks fit, may give notice to the Board that he does not propose to proceed with the application until the Board have made such an order, and have applied to the Minister for confirmation thereof, and that he will then proceed concurrently with respect to the application for authorisation under section one of this Act and with respect to the application for confirmation of the compulsory rights order.
- (2) Where the Minister gives notice to the Board under the preceding sub-paragraph, he shall give a like notice to every local planning authority or other local authority, and to every owner, lessee or occupier, on whom notice was required to be served under paragraph 4 of this Schedule and who has made objection to the application.
- (3) Where the Minister has given notice to the Board under this paragraph he shall not (unless he otherwise determines) be required to proceed with the application for authorisation except in accordance with the notice.
- 7 (1) Subject to the last preceding paragraph, if no objection is made by any such local planning authority or other local authority as is mentioned in sub-paragraph (6) of paragraph 4 of this Schedule, or by any such owner, lessee or occupier as is mentioned in sub-paragraph (c) of that paragraph, or if all objections so made are withdrawn, the Minister, upon being satisfied that the proper notices have been published and served, may if he thinks fit grant the authorisation, either in accordance with the Board's application or subject to such modifications as he may determine.
- (2) If any objection duly made by any such local planning authority or other local authority, or by any such owner, lessee or occupier, is not withdrawn, the Minister shall cause a public local inquiry to be held, and shall consider the objection and the

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

report of the person who held the inquiry before determining whether to grant the authorisation ; and if he determines to grant it, he may do so either in accordance with the Board's application or subject to such modifications as he may determine.

- (3) Without prejudice to the last preceding sub-paragraph, the Minister may, if he thinks fit, cause a public local inquiry to be held before determining whether to grant the authorisation, notwithstanding that no objection has been made as mentioned in that sub-paragraph or that every objection so made has been withdrawn.
- (4) In a case where the Minister determines to accede to the application subject to modifications, the authorisation shall not extend to land not comprised in the relevant land as described in the application, and shall not authorise the working of coal by opencast operations on a part of the relevant land which was not indicated in the application as a part of the land on which coal was proposed to be so worked.

8 As soon as may be after the authorisation has been granted, the Board shall publish in one or more local newspapers circulating in the locality in which the relevant land is situated and in the London Gazette a notice in the prescribed form describing the relevant land, stating that the authorisation has been granted, and naming a place in the locality where a copy of the authorisation and of the map referred to therein can be inspected at all reasonable hours, and shall serve a like notice and a copy of the authorisation on any persons on whom notices of the application were required to be served under paragraph 4 of this Schedule.

9 Paragraphs 15 and 16 of the First Schedule to the Acquisition of Land Act (which relate to the validity and date of operation of compulsory purchase orders) shall with the necessary modifications (and, in particular, with the substitution of references to this Act for references to that Act) apply in relation to authorisations under section one of this Act as they apply in relation to compulsory purchase orders.

10 For the purposes of the provisions of paragraph 4 of this Schedule, and of the provisions of paragraph 15 of the First Schedule to the Acquisition of Land Act as applied by the last preceding paragraph, the first publication of a notice shall be treated as taking place on the date on which the notice is first published in accordance with those provisions in a local newspaper, or the date on which it is first published in the London Gazette, whichever is the later date.

11 In the application of this Schedule to Scotland, for references to a county borough, to a county district, to the London Gazette, to the National Trust and to the Acquisition of Land Act there shall be substituted respectively references to a burgh, to a district, to the Edinburgh Gazette, to the National Trust for Scotland and to the Scottish Acquisition of Land Act; and paragraph 5 shall be omitted and paragraph 15 of the First Schedule to the last-mentioned Act shall apply as if sub-paragraph (2) thereof were omitted.