

## SCHEDULES

### TENTH SCHEDULE

#### TRANSITIONAL PROVISIONS

##### PART II

##### OPENCAST SITES

###### *Authorisations*

- 2 Subsection (1) of section one of this Act shall not have effect with respect to the working of coal on land requisitioned for opencast operations ; but, for the purposes of the provisions of this Act, other than section one, any authorisation given by the Minister by virtue of the Defence (General) Regulations, 1939, whether before or after the commencement of this Act, with respect to the use of any such land by the Board shall be treated as if it were an authorisation granted under section one of this Act to work coal on that land by opencast operations, or to cause or permit coal to be so worked thereon.
- 3 (1) Where at the commencement of this Act—
- (a) any land is occupied by the Board for the purpose of working coal on that land, or on land contiguous therewith, by opencast operations, or for the purpose of restoring that land after it has been affected by the working of coal by such operations, and
  - (b) the land is either land owned by the Board, or land in which there is a Crown or Duchy interest, but no private interest other than any interest belonging to the Board, and accordingly possession of that land has not been taken, or is not for the time being retained, in the exercise of emergency powers,
- subsection (1) of section one of this Act shall not have effect in relation to that land ; but the powers conferred on the Minister by section two of this Act shall be exercisable in relation to that land as those powers would be exercisable by the Minister in relation thereto on granting an authorisation under section one of this Act comprising that land.
- (2) The preceding sub-paragraph shall have effect notwithstanding anything in subsection (1) of section forty-four of this Act.
- (3) In this paragraph " Crown or Duchy interest" and " private interest" have the meanings assigned to them by section forty-four of this Act.
- 4 The powers conferred on the Minister by section two of this Act shall be exercisable at any time in relation to any land requisitioned for opencast operations, notwithstanding that the Minister is not then granting an authorisation under section one of this Act in respect of that land, if the Minister has (whether before or after the commencement of this Act) given an authorisation which by virtue of paragraph 2 of this Schedule is to be treated as if it were an authorisation under that section.