



Opencast Coal Act 1958

1958 CHAPTER 69 6 and 7 Eliz 2

PART I

AUTHORISATION OF, AND FACILITIES FOR, OPENCAST WORKING OF COAL

[^{F1}14 Provisions as to agricultural tenancies in England and Wales.

- (1) Without prejudice to the provisions of Part III of this Act as to matters arising between landlords and tenants in consequence of compulsory rights orders, the provisions of this section shall have effect where—
 - (a) opencast planning permission has been granted subject to a restoration condition and to an aftercare condition in which the use specified is use for agriculture or use for forestry, and
 - (b) immediately before that permission is granted, any of the land comprised therein consists of an agricultural holding [^{F2} held under a tenancy in relation to which the Agricultural Holdings Act 1986 (in this Act referred to as “ the Act of 1986 ”) applies or part of such an agricultural holding]
whether any of that land is comprised in a compulsory rights order or not.
- (2) For the purposes of ^{M1} the [^{F3} Act of 1986] —
 - (a) the holding shall not be taken to have ceased to be an agricultural holding; and
 - (b) where only part of the holding is comprised in opencast planning permission, that part shall not be taken to have ceased to form part of an agricultural holding,
by reason only that, while occupied or used for the permitted activities, the land is not being used for agriculture within the meaning of that Act.
- (3) For the purposes of the Act of 1986, the tenant of the holding shall not be taken to have failed to fulfill his responsibilities to farm in accordance with the rules of good husbandry—
 - (a) by reason of his having permitted any of the land comprised in the opencast planning permission to be occupied for the purpose of carrying on any of the

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- permitted activities, or by reason of any other thing done or omitted by him for facilitating the use of any of that land for that purpose;
- (b) where any of that land is comprised in a compulsory rights order, by reason of the occupation or use of any of that land in the exercise of rights conferred by the order, in so far as that occupation or use was not permitted or facilitated by the tenant as mentioned in the preceding paragraph.
- (4) For the purposes of the Act of 1986 nothing done or omitted by the tenant or by the landlord of the holding by way of permitting any of the land in respect of which opencast planning permission has been granted to be occupied for the purpose of carrying on any of the permitted activities, or by way of facilitating the use of any of that land for that purpose, shall be taken to be a breach of any term or condition of the tenancy, either on the part of the tenant or on the part of the landlord.
- (5) For the purpose of subsections (1) to (3) of section 27 of the Act of 1986 ([^{F4}Tribunal’s]consent to operation of notice to quit) the condition specified in paragraph (f) of subsection (3) of that section shall not be treated as satisfied if the use for the purpose for which the landlord proposes to terminate the tenancy is the use of the land for carrying on any of the permitted activities.
- (6) On a reference to arbitration under section 12 of the Act of 1986 with respect to the rent which should be properly payable for the holding, in respect of any period for which [^{F5}the person with the benefit of the opencast planning permission is] in occupation of the holding, or of any part thereof, for the purpose of carrying on any of the permitted activities, the arbitrator shall not take into account any increase or diminution in the rental value of the holding in so far as that increase or diminution is attributable to the occupation of the holding, or of that part of the holding, by [^{F5}that person]for the purpose of carrying on any of the permitted activities.
- (7) For the purpose of the operation of section 13 of the Act of 1986 (increases of rent for landlord’s improvements) in relation to improvements carried out on the holding, in a case where the improvements have been affected by anything done for the purpose of carrying on any of the permitted activities, the increase (if any) of the rental value of the holding attributable to the carrying out of the improvements shall be assessed as if it had not been done.
- (8) This section does not extend to Scotland.]

Textual Amendments

- F1** For s. 14 there is substituted ss. 14, 14A by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(3), [Sch. 8 para. 5](#)
- F2** Words in s. 14(1)(b) substituted (1.9.1995) by [1995 c. 8, ss. 40, 41\(2\)](#), [Sch. para. 13\(2\)](#) (with s. 37)
- F3** Words in s. 14(2) substituted (1.9.1995) by [1995 c. 8, ss. 40, 41\(2\)](#), [Sch. para. 13\(3\)](#) (with s. 37)
- F4** Words in s. 14(5) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), [art. 1](#), [Sch. 1 para. 198](#) (with [Sch. 3](#))
- F5** Words in s. 14(6) substituted (31.10.1994) by [1994 c. 21, s. 52](#), [Sch. 8 para. 10\(a\)\(b\)](#) (with s. 40(7)); [S.I. 1994/2553](#), [art. 2](#)

Marginal Citations

- M1** [1986 c. 5 \(2:3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Opencast Coal Act 1958, Section 14.