



Opencast Coal Act 1958

1958 CHAPTER 69 6 and 7 Eliz 2

PART I

AUTHORISATION OF, AND FACILITIES FOR, OPENCAST WORKING OF COAL

[^{F1}15A. Suspension of public rights of way—supplementary.

[^{F2}(1) Before any person submits an application to the Coal Authority for an order under section 15 of this Act, that person] shall publish a notice in the prescribed form identifying the right of way and stating—

- (a) that [^{F3}that person is] proposing to apply for an order suspending it in connection with the working of coal by open-cast operations;
- (aa) [^{F4}whether the applicant is proposing to make available any alternative way and, if he is, what the alternative is; and]
- (b) that opencast planning permission has been applied for, or, as the case may be, has been granted; ^{F5} . . .
- (c) ^{F5}

[As soon as reasonably practicable after making an order under section 15 of this Act ^{F6}(1A) the Coal Authority shall submit the order to the Secretary of State for confirmation and publish a notice in the prescribed form identifying the right of way in question and stating—

- (a) that the Coal Authority has made an order that will suspend the right of way in connection with the working of coal by opencast operations and has submitted the order for confirmation to the Secretary of State;
- (b) whether the applicant for the order is to make any alternative way available and, if he is, what the alternative is;
- (c) that opencast planning permission has been applied for or, as the case may be, granted;and
- (d) that objections to the confirmation of the order may be made in writing to the Secretary of State within such time, not being less than 28 days from the publication of the notice, as may be specified.]

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- (2) The duty to publish a notice imposed by subsection (1) [^{F7}or (1A)] above is a duty to publish it—
 - (a) in two successive weeks in one or more local newspapers circulating in the locality in which the land over which the right of way subsists is situated; and
 - (b) in the same or any other two successive weeks, in the appropriate Gazette.

[The Secretary of State shall not confirm an order under section 15 of this Act unless ^{F8}(2A) he thinks fit and—

- (a) he is satisfied that the notice required by subsection (1A) above has been published in relation to that order and that the requirements of subsection (5) below have been satisfied in relation to that notice;
 - (b) the period within which objections may be made in accordance with that notice has expired; and
 - (c) the opencast planning permission has been granted.]
- (3) The period within which objections may be made expires when the period specified in the last publication of the notice expires; and any period specified in earlier publications is to be treated as extended accordingly.
- (4) A notice under subsection (1) [^{F9}or (1A)]above shall name a place in the locality where a copy of the application [^{F9}or, as the case may be, the order]and of a map showing the right of way can be inspected.

[Where any person is required under subsection (1) or (1A) above to publish any notice, ^{F10}(5) he shall also -] ,—

- (a) inform—
 - (i) in England ^{F11}. . . , the district council and, except in the case of a metropolitan district, the county council, and any parish ^{F11}. . . council or parish meeting;
 - [in Wales, the county council or county borough council, and any ^{F12}(ia) community council] and
 - (ii) in Scotland, every local authority in whose area any part of the land over which the right of way subsists is situated

[^{F13}of the submission of the application or, as the case may be, of the making of the order;]
- (b) send them a map showing the right of way and a copy of [^{F14}the notice under subsection (1) or (1A) above]; and
- (c) affix to some conspicuous object at either end of the right of way a notice giving in the prescribed form the prescribed particulars of [^{F15}the matters contained in the notice under subsection (1) or (1A) above].

^{F16}(6)

- (7) The Secretary of State may, if he thinks fit, cause a public local inquiry to be held before determining whether to [^{F17}confirm] an order, and shall cause such an inquiry to be held if an objection is made by any such authority [^{F18}other than a parish or community council or parish meeting as is mentioned in subsection (5)(a) above] and is not withdrawn.
- (8) If the Secretary of State causes such an inquiry to be held, he shall consider all objections to the application which are duly made by any person and not withdrawn

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and the report of the person who held the inquiry before determining whether to [^{F19}confirm] the order.

- (9) An order under section 15 of this Act may be made either in accordance with the [^{F20} . . .] application or subject to such modifications as [^{F21}the Coal Authority] may determine [^{F22}; and this subsection shall be without prejudice to the power of the Secretary of State, by virtue of subsection (3) of that section, to make further modifications when confirming the order.]

[A confirmed order under section 15A of this Act shall not have effect at any time ^{F23}(10) before the person on whose application the confirmed order was made has published] a notice in the prescribed form that the order [^{F24}has been confirmed], describing the right of way which is suspended, stating the date on which the order [^{F24}is to come] into operation and naming a place in the locality where a copy of the order and of any map to which it refers can be inspected at all reasonable hours, and [^{F24}has served a like notice and a copy of the order and of such a map] on any body required under this section to be informed of the application for the order.

- (11) The duty to publish a notice imposed by subsection (10) above is a duty to publish it—
[^{F25}in the manner specified in subsection (2) in relation to notices for the purposes of subsection (1) above; and an order that fails, by virtue of subsection (10) above, to come into operation on the date specified in the order shall come into operation on the date of the last publication required by virtue of this subsection.]

- (12) In this section “the appropriate Gazette” means—
(a) the London Gazette in a case where the land over which the right of way subsists is situated in England or Wales; and
(b) the Edinburgh Gazette in a case where it is situated in Scotland.]

Textual Amendments

- F1** For S. 15 there is substituted ss. 15, 15A by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), ss. 39(3), [Sch. 8 para. 6](#)
- F2** S. 15A(1) substituted (31.10.1994) for the words in s. 15A(1) by 1994 c. 21, s. 52, [Sch. 8 para. 13\(1\)\(a\)](#) (with s. 40(7)); S.I. 1994/2553, [art. 2](#)
- F3** Words in s. 15A(1)(a) substituted (31.10.1994) by 1994 c. 21, s. 52, [Sch. 8 para. 13\(1\)\(b\)](#) (with s. 40(7)); S.I. 1994/2553, [art. 2](#)
- F4** S. 15A(1)(aa) inserted (31.10.1994) by 1994 c. 21, s. 52, [Sch. 8 para. 13\(1\)\(c\)](#) (with s. 40(7)); S.I. 1994/2553, [art. 2](#)
- F5** S. 15A(1)(c) and word immediately preceding it repealed (31.10.1994) by 1994 c. 21, ss. 52, 67, [Sch. 8 para. 13\(1\)\(d\)](#), [Sch. 11 Pt. II](#) (with s. 40(7)); S.I. 1994/2553, [art. 2](#)
- F6** S. 15A(1A) inserted (31.10.1994) by 1994 c. 21, s. 52, [Sch. 8 para. 13\(2\)](#) (with s. 40(7)); S.I. 1994/2553, [art. 2](#)
- F7** Words in s. 15A(2) inserted (31.10.1994) by 1994 c. 21, s. 52, [Sch. 8 para. 13\(3\)](#) (with s. 40(7)); S.I. 1994/2553, [art. 2](#)
- F8** S. 15A(2A) inserted (31.10.1994) by 1994 c. 21, s. 52, [Sch. 8 para. 13\(4\)](#) (with s. 40(7)); S.I. 1994/2553, [art. 2](#)
- F9** Words in s. 15A(4) inserted (31.10.1994) by 1994 c. 21, s. 52, [Sch. 8 para. 13\(5\)\(a\)\(b\)](#) (with s. 40(7)); S.I. 1994/2553, [art. 2](#)
- F10** S. 15A(5) substituted (31.10.1994) for words in s. 15A(5) by 1994 c. 21, s. 52, [Sch. 8 para. 13\(6\)\(a\)](#) (with s. 40(7)); S.I. 1994/2553, [art. 2](#)
- F11** Words in s. 15A(5)(a)(i) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), [Sch. 16 para. 14](#), [Sch. 18](#) (with [Sch. 17 para. 22\(1\)](#)); S.I. 1996/396, [art. 3](#), [Sch. 1](#)

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- F12** S. 15A(5)(a)(ia) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 14** (with Sch. 17 para. 22(1)); S.I. 1996/396, art. 3, **Sch. 1**
- F13** Words in s. 15A(5)(a) substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 13(6)(b)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F14** Words in s. 15A(5)(b) substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 13(6)(c)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F15** Words in s. 15A(5)(c) substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 13(6)(d)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F16** S. 15A(6) repealed (31.10.1994) by 1994 c. 21, ss. 52, 67, Sch. 8 para. 13(7), **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F17** Word in s. 15A(7) substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 13(8)(a)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F18** Words in s. 15A(7) inserted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 13(8)(b)**(with s. 40(7)); S.I. 1994/2553, **art. 2**
- F19** Word in s. 15A(8) substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 13(9)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F20** Word in s. 15A(9) repealed (31.10.1994) by 1994 c. 21, ss. 52, 67, Sch. 8 para. 13(10)(a), **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F21** Words in s. 15A(9) substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 13(10)(b)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F22** Words in s. 15A(9) inserted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 13(10)(c)**(with s. 40(7)); S.I. 1994/2553, **art. 2**
- F23** S. 15A(10) substituted (31.10.1994) for words in s. 15A(10) by 1994 c. 21, s. 52, **Sch. 8 para. 13(11)(a)**(with s. 40(7)); S.I. 1994/2553, **art. 2**
- F24** Words in s. 15A(10) substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 13(11)(b)(c)(d)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F25** Words in s. 15A(11) substituted (31.10.1994) for s. 15A(11)(a)(b) by 1994 c. 21, s. 52, **Sch. 8 para. 13(12)** (with s. 40(7)); S.I. 1994/2553, **art. 2**

Modifications etc. (not altering text)

- C1** S. 15A(1)(aa) excluded (31.10.1994) by 1994 c. 21, s. 67, **Sch. 10 para. 9(3)** (with s. 40(7)); S.I. 1994/2552, art. 2, **Sch. 1**

Changes to legislation:

There are currently no known outstanding effects for the Opencast Coal Act 1958, Section 15A.