



Opencast Coal Act 1958

1958 CHAPTER 69

PART I

AUTHORISATION OF, AND FACILITIES FOR, OPENCAST WORKING OF COAL

16 Acquisition of rights for purposes of drainage or water supply

- (1) For the purpose of draining land which is or has been comprised in an authorisation under section one of this Act, the Minister may authorise the Board to purchase compulsorily a right to place drainage works on any other land, whether above or below ground, and to use, repair and maintain those works, without purchasing any other interest in that land.
- (2) For the purpose of bringing a supply of water to land which is or has been comprised in an authorisation under section one of this Act, the Minister may authorise the Board to purchase compulsorily a right to place water pipes on any other land, whether above or below ground, and to use, repair and maintain those pipes, without purchasing any other interest in that land.
- (3) An order authorising the compulsory purchase of a right by virtue of this section shall specify the land (being the whole or part of the land comprised in the relevant authorisation under section one of this Act) for the benefit of which the right is to be acquired.
- (4) Any right purchased by the Board in pursuance of such an order—
 - (a) if so purchased while the Board are in occupation of the land specified in the order in accordance with the last preceding subsection, shall be exercisable by the Board, and by persons authorised by the Board, while the Board continue to be in occupation of that land;
 - (b) whether purchased while the Board are in occupation of that land or not, shall be treated for all purposes as an easement appurtenant in perpetuity to that land.
- (5) In relation to the compulsory purchase of a right by virtue of this section—

Status: This is the original version (as it was originally enacted).

- (a) the Acquisition of Land Act shall apply as if the Board were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act; and
 - (b) that Act, and the enactments incorporated therewith, shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed, where the context so requires, as references to the land on which the works or pipes are to be placed, and references to the obtaining or taking possession of the first-mentioned land were construed as references to the exercise of the right.
- (6) The provisions of section eleven of this Act shall apply in relation to a compulsory purchase order made by virtue of this section as they apply in relation to a compulsory rights order.
- (7) In this section " drainage works" includes any pipes or other works for draining land and any works accessory to such works ; and—
 - (a) any right to maintain drainage works or water pipes in pursuance of an order made by virtue of this section shall include the right to remove those works or pipes, whether for the purpose of replacing them by other drainage works or water pipes or otherwise, and
 - (b) any right to maintain drainage works on any land in pursuance of such an order shall, if the order so provides, include a right to discharge water from those works on to that land.
- (8) Nothing in this section shall be construed as authorising any interference with the exercise of a public right of way, or any contravention of a prohibition or restriction imposed by or under any enactment (whether contained in a public general Act or in any other Act).
- (9) In the application of this section to Scotland, for references to the Acquisition of Land Act there shall be substituted references to the Scottish Acquisition of Land Act; and for subsection (4) there shall be substituted the following subsection:—
 - “(4) The title to any right purchased by the Board in pursuance of such an order shall be recorded by the Board in the appropriate register of sasines, and on the title being so recorded the right shall be exercisable in all time coming by the Board or any other person in occupation of the land specified in the order in accordance with the last preceding subsection.”