



Opencast Coal Act 1958

1958 CHAPTER 69 6 and 7 Eliz 2

PART III

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

38 Protection from compulsory purchase of land occupied for authorised purposes.

Where a compulsory purchase order (within the meaning of the Acquisition of Land Act or, in Scotland, the Scottish Acquisition of Land Act) has been submitted or prepared, and—

- (a) the land comprised in the order includes land [^{F1}in respect of which opencast planning permission has been granted]and is for the time being occupied by [^{F2}a relevant person] for the [^{F3}purpose of carrying on the permitted activities], and
- (b) within the time limited for making objections to the order, [^{F2}that relevant person gives] notice of that fact to the Minister to whom the order has been submitted, or by whom it has been prepared, as the case may be, specifying the land [^{F4}in respect of which the permission was granted and] which is occupied as mentioned in the preceding paragraph,

the compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of any of the land specified in that notice, unless [^{F5}the Secretary of State] is satisfied that it can be purchased without serious detriment to the [^{F6}permitted activities]

[^{F7}In this section “relevant person” means any licensed operator within the meaning of the Coal Industry Act 1994 or any person who is certified by the Coal Authority as a person whose application to that Authority for a licence under Part II of that Act is pending.]

Textual Amendments

F1 Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(3), [Sch. 8 para. 9\(a\)\(i\)](#)

Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, Section 38. (See end of Document for details)

- F2** Words in s. 38(a)(b) substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 28(a)(b)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F3** Words substituted by Housing and Planning Act 1986 (c. 63, SIF 86), s. 39(3), **Sch. 8 para. 9(a)(ii)**
- F4** Words substituted by Housing and Planning Act 1986 (c. 63, SIF 86), s. 39(3), **Sch. 8 para. 9(b)**
- F5** Words substituted by virtue of S.I. 1969/1498, **arts. 2(1), 5(6)** and 1970/1537, arts. 2(2), 7(4)
- F6** Words substituted by Housing and Planning Act 1986 (c. 63, SIF 86), s. 39(3), **Sch. 8 para. 9(c)**
- F7** Words in s. 38 inserted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 28(c)** (with s. 40(7)); S.I. 1994/2553, **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Opencast Coal Act 1958, Section 38.