

SCHEDULES

SCHEDULE 8

AMENDMENTS OF THE OPENCAST COAL ACT 1958

Power to make compulsory rights orders

- 2 (1) In subsection (1) of section 4 (compulsory rights order)—
- (a) for the words “the Corporation”, in each place where they occur, there shall be substituted “the Coal Authority”;
 - (b) for the words “compulsorily acquire” there shall be substituted “confer”; and
 - (c) for the words “the whole or part of any land on which they desire” there shall be substituted “the whole, or such part as (subject to the confirmation of the Secretary of State) the Coal Authority thinks fit, of any land on which the applicant for the order desires”.
- (2) After that subsection there shall be inserted the following subsections—
- “(1A) The Coal Authority shall not make a compulsory rights order except on the application of a person who satisfies that Authority—
- (a) that he is either a licensed operator within the meaning of the Coal Industry Act 1994 or a person whose application to that Authority for a licence under Part II of that Act is pending; and
 - (b) that he has served notice in the prescribed form of the application for the order on every person who is known to him to be a person who would, in relation to the order applied for, be directly concerned.
- (1B) Subject to the provisions of section 5 of this Act, the rights conferred by an order made on such an application as is mentioned in subsection (1A) of this section shall be conferred on the applicant and his successors so as to be exercisable for the purposes only of—
- (a) operations which the applicant or, as the case may be, any such successor is authorised to carry out by virtue of being a licensed operator within the meaning of the Coal Industry Act 1994; and
 - (b) operations which are incidental to operations falling within paragraph (a) above (including operations carried out at times when the authorisation for the operations falling within that paragraph is not in force).”
- (3) In subsection (5) of that section (which has effect in relation to Scotland for applying enactments relating to compulsory purchase and giving effect to Part I of Schedule 2 to the Act), after the first “to the” there shall be inserted “Scottish”; and subsection (8) of that section shall cease to have effect.