

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

SCHEDULES

^{F1}TENTH SCHEDULE

TRANSITIONAL PROVISIONS

Textual Amendments

F1 Sch. 10 repealed by 1986 c. 63, s. 39(4), **Sch. 12 Pt. II**

Modifications etc. (not altering text)

C1 “The Minister” means Minister of Power whose functions are now exercisable by Secretary of State: **S.I. 1969/1498, art. 2(1)** and 1970/1537, art. 2(2)

PART II

OPENCAST SITES

Terminal compensation

^{F1}**24** Where after the commencement of this Act possession of any land ceases to be retained in the exercise of emergency powers by reason of the coming into operation of a compulsory rights order comprising that land, no terminal compensation under the Act of 1939 shall be payable in respect of that land.

Textual Amendments

F1 Sch. 10 repealed (11.12.1987) by 1986 c. 63, s. 39(4), **Sch. 12 Pt. II**; **S.I. 1987/1939, arts. 1, 2**

^{F2}**25** In respect of any land hereafter requisitioned for opencast operations of which possession ceases to be retained in the exercise of emergency powers, otherwise than by reason of the coming into operation of a compulsory rights order comprising that land,—

(a) no terminal compensation under the Act of 1939 shall be payable, but

(b) terminal compensation under this Act shall be payable as if the land had been comprised in a compulsory rights order which became operative on the date of requisition of the land, and the period of occupation under that order came to an end on the terminal date, and as if anything done in relation to that land in the exercise of emergency powers had been done in the exercise of rights conferred by that order.

Textual Amendments

F2 Sch. 10 repealed (11.12.1987) by 1986 c. 63, s. 39(4), **Sch. 12 Pt. II**; **S.I. 1987/1939, arts. 1, 2**

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- ^{F3}26 In respect of any land already requisitioned for opencast operations of which, after the commencement of this Act, possession ceases to be retained in the exercise of emergency powers, otherwise than by reason of the coming into operation of a compulsory rights order comprising that land,—
- (a) no terminal compensation under the Act of 1939 shall be payable, but
 - (b) there shall be payable all such terminal compensation under this Act as would have been payable in the circumstances specified in subparagraph (2) of paragraph 22 of this Schedule.

Textual Amendments

F3 Sch. 10 repealed (11.12.1987) by 1986 c. 63, s. 39(4), Sch. 12 Pt. II; S.I. 1987/1939, arts. 1, 2

- ^{F4}27 For the purposes of the application of any of the provisions of this Act, other than this Schedule, to any land falling within paragraph 24, paragraph 25 or paragraph 26 of this Schedule, any reference in those provisions to the date of entry shall be construed as a reference to the date of requisition of the land.

Textual Amendments

F4 Sch. 10 repealed (11.12.1987) by 1986 c. 63, s. 39(4), Sch. 12 Pt. II; S.I. 1987/1939, arts. 1, 2

- ^{F5}28 Where compensation under section twenty-three of this Act, or under the provisions of that section as applied by section twenty-nine of this Act, would, apart from this paragraph, be payable in respect of any land falling within paragraph 24 or paragraph 26 of this Schedule, and in a certificate issued in respect of that land under paragraph 15 of this Schedule it is stated that a sum was paid in respect of that land as therein mentioned, the amount of that sum (as stated in the certificate) shall be deducted from the amount of that compensation.

Textual Amendments

F5 Sch. 10 repealed (11.12.1987) by 1986 c. 63, s. 39(4), Sch. 12 Pt. II; S.I. 1987/1939, arts. 1, 2

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