OPENCAST COAL WORKING

1958 No. 2055

The Opencast Coal (Authorisations and Compulsory Rights Orders) Regulations, 1958

Made - - - -	*4th December,* 1958
Laid before Parliament	*12th December,* 1958
Coming into Operation	*13th December,* 1958

The Minister of Power, in exercise of the powers conferred upon him by subsection (1) of section forty-nine of, and paragraphs 2, 3, 4 and 8 of the First Schedule to, the Opencast Coal Act, 1958(**a**), and by paragraphs 2, 3, 6 and 13 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946(**b**), as applied by section four of, and Part I of the Second Schedule to, the Opencast Coal Act, 1958, and by paragraphs 2, 3, 6 and 13 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947(**c**), as so applied, and of all other powers him enabling, hereby makes the following regulations:—

1. These regulations shall come into operation on the thirteenth day of December, nineteen hundred and fifty-eight, and may be cited as the Opencast Coal (Authorisations and Compulsory Rights Orders) Regulations, 1958.

2. The Interpretation Act, 1889(**d**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The forms set out in the First Schedule hereto, or forms substantially to the like effect, shall be the forms to be used in the cases to which those forms are respectively applicable for the purposes of the First Schedule to the Opencast Coal Act, 1958, for the purposes of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, as applied by section four of, and Part I of the Second Schedule to, the Opencast Coal Act, 1958, and for the purposes of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, as so applied.

4. The information which, by virtue of paragraph 3 of the First Schedule to the Opencast Coal Act, 1958, is required to be included in an application for an authorisation under section one of that Act shall be the information specified in the Second Schedule hereto.

Dated this fourth day of December, nineteen hundred and fifty-eight.

Mills,
Minister of Power.

(**a**) 6 & 7 Eliz. 2. c. 69.
(**b**) 9 & 10 Geo 6. c. 49.
(**c**) 10 & 11 Geo. 6. c. 42.
(**d**) 52 & 53 Vict. c. 63.

FIRST SCHEDULE

Reg. 3

Form No. 1

FORM OF APPLICATION FOR AN AUTHORISATION

THE OPENCAST COAL ACT, 1958

THE (*a*) APPLICATION

To the Minister of Power

The National Coal Board hereby apply for an authorisation under section 1 of the Opencast Coal Act, 1958, in respect of the land described in the first schedule hereto and delineated and (*b*) on the map attached to this application marked " Map referred to in the (*a*) Application dated the day of , 19 ", being land which they will require to occupy for the purpose of enabling authorised operations as defined in subsection (5) of section 1 of the said Act to be carried out.

2. So much of the said land as is delineated and (*b*) on the said map is land on which it is proposed to work coal by opencast operations.

3. Information as to the operations proposed to be carried out for the purpose of working the coal, and for purposes incidental to that purpose, is set out in the second schedule hereto, and information as to the operations proposed to be carried out for the purpose of restoring land affected by the working of the coal or by operations connected therewith, and for purposes incidental to that purpose, is set out in the third schedule hereto.

Dated the day of , 19 .

Signature (*c*)

FIRST SCHEDULE

Description of the Land

1.

Number on map	Quantity, description and situation of the land	Owners or reputed owners	Lessees or reputed lessees	Occupiers (except tenants for a month or any period less than a month)
(1)	(2)	(3)	(4)	(5)
(*d*)				

2. The quantity of that portion of the land on which it is proposed to work coal by opencast operations is acres.

3. The land is at present used for the following purposes:—(*e*)

4. The land is designated for the following purposes in the relevant development plan(s):—(*e*)

5. Tree Preservation Orders under [s. 28 of the Town and Country Planning Act, 1947,] [s. 26 of the Town and Country Planning (Scotland) Act, 1947,] are in force in relation to the land as follows:—(*f*)

6. The land has the following features:—

(a) buildings:—(*g*)

(b) structures:—(*g*)

(c) ancient monuments and objects of archaeological interest:—(*g*)

(d) roads and paths:—(*g*)

(e) statutory undertakers' apparatus:—(*g*)

(f) watercourses:—(*g*)

(g) other features:—(*g*)(*h*)

SECOND SCHEDULE

Information as to the operations proposed to be carried out for the purpose of working the coal and for purposes incidental to that purpose

THIRD SCHEDULE

Information as to the operations proposed to be carried out for the purpose of restoring land affected by the working of the coal or by operations connected therewith, and for purposes incidental to that purpose

NOTES

(*a*) Insert the name and reference number given to the site referred to in the application.

(*b*) The land should be so delineated and coloured or otherwise marked on the map that the totality of the land and the part referred to in paragraph 2 are readily distinguishable.

(*c*) The signature should be that of an officer duly authorised by the Board.

(*d*) Col. (1) need not be completed where the application relates only to one parcel of land. Where there are two or more parcels they should be numbered 1, 2, etc. on the map and referred to accordingly in col. (1). Cols. (3), (4) and (5) need not be completed in the case of any land in respect of which the Minister of Power has dispensed with service on owners, lessees and occupiers under paragraph 4 (*c*) of the First Schedule to the Act.

(*e*) Insert sufficient particulars to enable the parts of the land used (or designated in the case of paragraph 4) for different purposes to be identified on the map.

(*f*) Insert sufficient particulars to enable the part(s) of the land to which the orders apply to be identified on the map.

(*g*) Insert sufficient particulars to enable the features mentioned to be identified or located by reference to the map.

(*h*) Particulars should be given of any natural or artificial features, not mentioned in paragraph 6 (*a*) to (*f*), to which the Board will have regard in carrying out their operations.

Form No. 2

FORM OF ADVERTISEMENT OF INTENTION TO SUBMIT AN APPLICATION FOR AN AUTHORISATION

THE OPENCAST COAL ACT, 1958

Notice is hereby given that the National Coal Board intend to submit an application entitled the Application to the Minister of Power for an authorisation under section 1 of the above-mentioned Act to work coal or cause or permit coal to be worked by opencast operations. The land which the National Coal Board require to occupy in this connection is described in the schedule hereto.

A copy of the application and of the map referred to therein can be inspected at (*a*)
between the hours of (*b*) and on .

Any objection to the application must be made in writing and addressed to the Minister of Power at not later than the (*c*) day of 19 , and should refer to the title of the application and state the grounds of objection.

Dated the day of , 19 .

Signature (*d*)

SCHEDULE

(e)

NOTES

(*a*) The place for inspection must be in the locality.

(*b*) Insert reasonable times for the documents to be inspected.

(*c*) Insert a date not less than 28 days from the date of first publication of the notice in a local newspaper or in the London or Edinburgh Gazette (as the case may be) whichever is the later date.

(*d*) The signature should be that of an officer duly authorised by the Board.

(*e*) Insert description of the land comprised in the application. Such description need not follow the form used in the first schedule to the application but must be in a form from which persons interested can readily ascertain whether their land is included.

Form No. 3

FORM OF NOTICE TO LOCAL PLANNING AUTHORITIES, OTHER LOCAL AUTHORITIES, OWNERS, LESSEES AND OCCUPIERS OF INTENTION TO SUBMIT AN APPLICATION FOR AN AUTHORISATION

THE OPENCAST COAL ACT, 1958

Take notice that the National Coal Board intend to submit an application entitled the Application to the Minister of Power for an authorisation under section 1 of the above-mentioned Act to work coal or cause or permit coal to be worked by opencast operations. The land which the National Coal Board require to occupy in this connection is described in the schedule hereto.

A copy of the application and of the map referred to therein can be inspected at (*a*)
between the hours of (*b*) and on .

If no objection is made by any local planning authority or other local authority entitled to service of a notice under sub-paragraph (*b*) of paragraph 4 of the First Schedule to the said Act, or by any such owner, lessee or occupier as is mentioned in sub-paragraph (*c*) of that paragraph, or if all objections so made are withdrawn, the Minister of Power, upon being satisfied that the proper notices have been published and served, may if he thinks fit grant the authorisation, either in accordance with the National Coal Board's application or subject to such modifications as he may determine. If any objection duly made by any such authority or person is not withdrawn, the Minister is required to cause a public local inquiry to be held and to consider the objection and the report of the person who held the inquiry before determining whether to grant the authorisation; and if he determines to grant it, he may do so either in accordance with the National Coal Board's application or subject to such modifications as he may determine.

Any objection to the application must be made in writing and addressed to the Minister of Power at not later than the (*c*) day of , 19 , and should refer to the title of the application and state the grounds of objection.

Dated the day of , 19 .

Signature (*d*)

SCHEDULE

(e)

NOTES

(*a*) The place for inspection should be in the locality.

(*b*) Insert reasonable times for the documents to be inspected.

(*c*) Insert a date not less than 28 days from service of the notice.

(*d*) The signature should be that of an officer duly authorised by the Board.

(*e*) Insert description of the land comprised in the application. Such description need not follow the form used in the first schedule to the application but must be in a form from which persons interested can readily ascertain whether their land is included.

Form No. 4

FORM OF NOTICE OF THE GRANTING OF AN AUTHORISATION

THE OPENCAST COAL ACT, 1958

Notice is hereby given that the Minister of Power, in exercise of the power conferred upon him by section 1 of the Opencast Coal Act, 1958, granted on the day of , 19 , to the National Coal Board an authorisation entitled the Authorisation, 19 , to work coal by opencast operations or cause or permit coal to be worked by opencast operations.

The land comprised in the authorisation is described in the schedule hereto.

A copy of the authorisation and of the map referred to therein can be inspected at (*a*) between the hours of (*b*) and on .

The authorisation becomes operative on the date on which this notice is first published in a local newspaper, or the date on which it is first published in the [London Gazette] [Edinburgh Gazette], whichever is the later date, but if any person aggrieved by the authorisation desires to question the validity thereof, or of any provision contained therein, on the ground that the authorisation is not empowered to be granted under the above-mentioned Act, or desires to question the validity thereof on the ground that any requirement of that Act or of any regulation made thereunder has not been complied with in relation to the authorisation, he may within six weeks from the date on which the authorisation becomes operative make application to the [High Court] [Court of Session] under paragraph 15 of the First Schedule to the [Acquisition of Land (Authorisation Procedure) Act, 1946] [Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947], as applied by paragraph[s] 9 [and 11] of the First Schedule to the Opencast Coal Act, 1958.

Dated the day of , 19 .

Signature (*c*)

SCHEDULE

NOTES

(*a*) The place for inspection must be in the locality.

(*b*) Insert reasonable times for the documents to be inspected.

(*c*) The signature should be that of an officer duly authorised by the Board.

Form No. 5

FORM OF COMPULSORY RIGHTS ORDER

THE OPENCAST COAL ACT, 1958

THE COMPULSORY RIGHTS ORDER, 19 .

The National Coal Board hereby make the following order:—

1. Subject to the provisions of this order, the National Coal Board, in exercise of the powers conferred on them by section[s] 4 (*a*) [and 8] of the Opencast Coal Act, 1958, hereby acquire compulsorily, for the purpose of facilitating the working of coal by opencast operations, (*b*) [and in particular for the purpose of storing, cleaning or sorting coal or otherwise preparing it for disposal,] temporary rights of occupation and use of the land described in the [first] schedule hereto and delineated and coloured on the map prepared in duplicate, signed by a duly authorised officer of the National Coal Board and marked "Map referred to in the Compulsory Rights Order, 19 ". One duplicate of the map is deposited in the offices of the National Coal Board at and the other is deposited in the offices of the Minister of Power at .

(*c*) [2. The said land is land comprised in an authorisation entitled the Authorisation, 19 , granted by the Minister of Power under section 1 of the said Act on the day of , 19 .]

(*c*) [2. The said land is contiguous with land comprised in an authorisation entitled the Authorisation, 19 , granted by the Minister of Power under section 1 of the said Act on the day of , 19 , and is land on which an alternative way is to be made available for use by the public during the period for which an order under section 3 of the [Acquisition of Land (Authorisation Procedure) Act, 1946,] [Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947,] as applied by section 15 of the Opencast Coal Act, 1958, remains in force suspending a right of way over land comprised in the authorisation.]

(*c*) [2. The said land consists of land comprised in an authorisation entitled the Authorisation, 19 , granted by the Minister of Power under section 1 of the said Act on the day of , 19 , and land contiguous therewith being land on which an alternative way is to be made available for use by the public during the period for which an order under section 3 of the [Acquisition of Land (Authorisation Procedure) Act, 1946,] [Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947,] as applied by section 15 of the Opencast Coal Act, 1958, remains in force suspending a right of way over land comprised in the authorisation.]

(*d*) [2. (1) The said land consists exclusively of land requisitioned for opencast operations and comprised in an authorisation given by the Minister of Power on the day of , 19 , possession thereof, or of part thereof, having been taken in the exercise of emergency powers on the (*e*) day of , 19 .]

(*c*) [2. (1) The said land consists in part of land requisitioned for opencast operations and comprised in an authorisation given by the Minister of Power on the day of , 19 , possession thereof, or of part thereof, having been taken in the exercise of emergency powers on the (*e*) day of , 19 , and in part of land comprised in an authorisation entitled the Authorisation, 19 , granted by the Minister of Power under section 1 of the said Act on the day of , 19 .]

(*d*) [(2) In this article, the expression "land requisitioned for opencast operations" has the meaning assigned to it by paragraph 1 of the Tenth Schedule to the said Act.]

(*b*) [3 (1) The said land is land requisitioned as an opencast storage site, possession thereof having been taken in the exercise of emergency powers on the day of , 19 .

(2) In this article, the expression "land requisitioned as an opencast storage site" has the meaning assigned to it by paragraph 1 of the Tenth Schedule to the said Act.]

(*a*) [4. The operation of this order shall be limited so as to extend only to the interests and rights specified in the second schedule hereto in or in relation to the said land.]

(*d*) [5. The land which is described in the second schedule hereto and delineated and coloured on the map hereinbefore referred to shall, during the period for which this order shall have effect, be made available for the exercise of certain rights at present enjoyed in respect of the land described (*f*) [as] in the first schedule hereto.]

(*d*) [6. The National Coal Board consider it necessary that the period for which this order is to have effect should extend beyond the tenth anniversary of the date on which possession [of part] of the land comprised in this order was taken in the exercise of emergency powers because [a longer period is required for completing the restoration of the land so as to be reasonably fit for use as agricultural land] [and] [there is in force an agreement relating to the land made between the National Coal Board and another person before the 18th day of December, 1957, which provides for the working of coal by that person by opencast operations, and is not an agreement under which the coal is to become the property of that other person, and a longer period is required for completing the operations provided for by the agreement.]

7. This order may be cited as the Compulsory Rights Order, 19 , and shall have effect for a period of .

Dated the day of , 19 .

A duly authorised officer
of the National Coal Board.

[*FIRST*] *SCHEDULE*

Number on map (1)	Quantity, description and situation of the land (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (5)
(*g*)				

[*SECOND SCHEDULE*]

(*h*)

NOTES

(*a*) Omit except in the case of orders to which section 8 of the Act applies.

(*b*) Omit in opencast site orders.

(*c*) When the order is made before the relevant authorisation has been granted, substitute for the words "authorisation entitled the Authorisation, 19 , granted by the Minister of Power under section 1 of the said Act on the day of , 19 ," the words "application entitled the Application for an authorisation under section 1 of the said Act which [has been] [is about to be] submitted to the Minister of Power". Omit the article if wholly inapplicable.

(*d*) Omit if inapplicable.

(*e*) Insert earliest date on which any part of the land was requisitioned for opencast operations.

(*f*) Omit if the whole of the land described in the first schedule falls within paragraph 11 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, or paragraph 11 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947. If it does not, the map numbers of the land falling within paragraph 11 should be inserted.

(*g*) Col. (1) need not be completed where the order relates only to one parcel of land. Where there are two or more parcels they should be numbered 1, 2, etc. on the map and referred to accordingly in col. (1).

(*h*) Insert a description of the interests or rights referred to in article 4 or of the land to be given in exchange referred to in article 5. Omit the schedule if both articles 4 and 5 are omitted.

Form No. 6

FORM OF ADVERTISEMENT OF THE MAKING OF A COMPULSORY RIGHTS ORDER

THE OPENCAST COAL ACT, 1958

Notice is hereby given that the National Coal Board, in exercise of the powers conferred upon them by the Opencast Coal Act, 1958, on the day of , 19 , made a compulsory rights order, entitled the Compulsory Rights Order, 19 , which is about to be submitted to the Minister of Power for confirmation, and if confirmed will confer on the National Coal Board temporary rights of occupation and use of the land described in the schedule hereto for the purpose of facilitating the working of coal by opencast operations (*a*) [and in particular for the purpose of storing, cleaning or sorting coal or otherwise preparing it for disposal]. (*b*) [The operation of the order is limited so as to extend only to the interests and rights specified in the second schedule thereto].

A copy of the order and the map referred to therein can be inspected at (*c*) between the hours of (*d*) and on .

Any objection to the order must be made in writing and addressed to the Minister of Power at not later than the (*e*) day of , 19 , and should refer to the title of the order and state the grounds of objection.

Dated the day of , 19 .

Signature (*f*)

SCHEDULE

(*g*)

NOTES

(*a*) Omit in opencast site orders.

(*b*) Omit except in the case of orders to which section 8 of the Act applies.

(*c*) The place for inspection must be in the locality.

(*d*) Insert reasonable times for the documents to be inspected.

(*e*) Insert a date at least 21 days from the first publication of the notice.

(*f*) The signature should be that of an officer duly authorised by the Board.

(*g*) Insert description of the land comprised in the order. Such description need not be in the form of the schedule to the order but must be in a form from which persons interested can readily ascertain whether land in which they are interested is included.

Form No. 7

FORM OF NOTICE OF THE MAKING OF A COMPULSORY RIGHTS ORDER (OTHER THAN A LIMITED COMPULSORY RIGHTS ORDER) TO BE SERVED ON PERSONS KNOWN BY THE BOARD TO HAVE AN INTEREST IN ANY OF THE LAND COMPRISED IN THE ORDER, OR TO HAVE A RIGHT TO OCCUPY ANY OF THE LAND, OR TO BE ENTITLED TO A RIGHT RESTRICTIVE OF THE USE OF ANY OF THE LAND

THE OPENCAST COAL ACT, 1958

Take notice that the National Coal Board, in exercise of the powers conferred upon them by the Opencast Coal Act, 1958, on the day of , 19 , made a compulsory rights order entitled the Compulsory Rights Order, 19 , which is about to be submitted to the Minister of Power for confirmation, and if confirmed will confer on the National Coal Board temporary rights of occupation and use of the land described in the schedule hereto for the purpose of facilitating the working of coal by opencast operations (*a*) [and in particular for the purpose of storing, cleaning or sorting coal or otherwise preparing it for disposal].

If confirmed, the order will confer, for a period of years and months, upon the National Coal Board and upon persons authorised by the National Coal Board—

(1) the like rights to occupy the said land, and to exclude other persons therefrom, as if the Board had acquired [a freehold interest in the entirety of the land] [in the entirety the interest of the owner of the dominium utile of the land] with vacant possession and free from incumbrances of any description; and

(2) subject to certain limitations, the right during the period of occupation, as against all persons who have any interest in any of the land or (apart from the order) a right to occupy any of the land, or who are entitled to any right restrictive of the use of any of the land, [(a)] to carry out on or in relation to any of the land all such operations as may appear to the Board (*b*) [in relation to the authorisation referred to in the order to be requisite for or incidental to the working of coal by opencast operations or the restoration of land affected by such working of coal or by operations connected therewith (*c*) [and, if an order is made under section 3 of the [Acquisition of Land (Authorisation Procedure) Act, 1946,] [Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947,] as applied by section 15 of the Opencast Coal Act, 1958, suspending a public right of way over land comprised in the authorisation on the footing that a suitable alternative way will be made available for use by the public, making available such an alternative way; and (b) to permit the public to use any way so made available]](*a*) [to be requisite for the purpose of the use of the land for storing, cleaning or sorting coal, or otherwise preparing it for disposal].

A copy of the order and the map referred to therein can be inspected at (*d*) between the hours of (*e*) and on .

If no objection is duly made by a person who has an interest in any of the said land, or has a right to occupy any of the said land, or is entitled to a right restrictive of the use of any of the said land, being an interest or right affected by the order, or if all objections so made are withdrawn, or if the Minister of Power is satisfied that every objection so made relates [(a)] exclusively to matters which can be dealt with in the assessment of compensation, (*f*) [or (b) to the question whether an authorisation under section 1 of the said Act should have been, or should be, granted to work the coal by opencast operations, and either (i) it relates exclusively to that question, or (ii) in so far as it relates to other matters, they consist entirely of matters which can be dealt with in the assessment of compensation,] he may, if he thinks fit, confirm the order with or without modifications. In any other case where an objection has been duly made the Minister is required, before confirming the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before

and being heard by a person appointed by the Minister for that purpose, and may then, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, confirm the order with or without modifications.

Any objection to the order must be made in writing and addressed to the Minister of Power at not later than the (*g*) day of , 19 , and should refer to the title of the order and state the grounds of objection.

Dated the day of , 19 .

Signature (*h*)

SCHEDULE

(*i*)

NOTES

(*a*) Omit in opencast site orders.

(*b*) Omit in storage site orders.

(*c*) Insert if there are public footpaths on the land.

(*d*) The place for inspection should be in the locality.

(*e*) Insert reasonable times for the documents to be inspected.

(*f*) Omit where the land consists exclusively of requisitioned land, and also in opencast site orders where the Minister is proceeding concurrently with respect to an authorisation under section 1 of the Act.

(*g*) Insert a date at least 21 days from service of the notice.

(*h*) The signature should be that of an officer duly authorised by the Board.

(*i*) Insert description of the land comprised in the order. Such description need not be in the form of the schedule to the order but must be in a form from which persons interested can readily ascertain whether land in which they are interested is included.

Form No. 8

FORM OF NOTICE OF THE MAKING OF A LIMITED COMPULSORY RIGHTS ORDER TO BE SERVED ON PERSONS KNOWN BY THE BOARD TO BE ENTITLED TO ANY INTEREST OR RIGHT SPECIFIED IN THE ORDER

THE OPENCAST COAL ACT, 1958

Take notice that the National Coal Board, in exercise of the powers conferred upon them by the Opencast Coal Act, 1958, on the day of , 19 , made a compulsory rights order entitled the Compulsory Rights Order, 19 , which is about to be submitted to the Minister of Power for confirmation, and if confirmed will confer on the National Coal Board temporary rights of occupation and use of the land described in the first schedule hereto for the purpose of facilitating the working of coal by opencast operations (*a*) [and in particular for the purpose of storing, cleaning or sorting coal or otherwise preparing it for disposal.]

If confirmed, the order will confer, for a period of years and months, upon the National Coal Board and upon persons authorised by the National Coal Board, as against all persons who for the time being are entitled to any interest or right specified in the second schedule hereto—

(1) the like right to exclude persons from the said land as if the Board had acquired [a freehold interest in the entirety of the land] [in the entirety the interest of the owner of the dominium utile of the land] with vacant possession and free from incumbrances of any description; and

(2) subject to certain limitations, the right during the period of occupation [(a)] to carry out on or in relation to any of the said land, all such operations as may appear to the Board (*b*) [in relation to the authorisation referred to in the order to be requisite for or incidental to the working of coal by opencast operations or the restoration of land affected by such working of coal or by operations connected therewith (*c*) [and, if an order is made under section 3 of the [Acquisition of Land (Authorisation Procedure) Act, 1946,] [Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947,] as applied by section 15 of the Opencast Coal Act, 1958, suspending a public right of way over land comprised in the authorisation on the footing that a suitable alternative way will be made available for use by the public, making available such an alternative way; and (b) to permit the public to use any way so made available]] (*a*) [to be requisite for the purpose of the use of the land for storing, cleaning or sorting coal, or otherwise preparing it for disposal].

A copy of the order and the map referred to therein can be inspected at (*d*) between the hours of (*e*) and on .

If no objection is duly made by a person entitled to an interest or right specified in the second schedule hereto, or if all objections so made are withdrawn, or if the Minister of Power is satisfied that every objection so made relates [(a)] exclusively to matters which can be dealt with in the assessment of compensation, (*f*) [or (b) to the question whether an authorisation under section 1 of the said Act should have been, or should be, granted to work the coal by opencast operations, and either (i) it relates exclusively to that question, or (ii) in so far as it relates to other matters, they consist entirely of matters which can be dealt with in the assessment of compensation,] he may, if he thinks fit, confirm the order with or without modifications. In any other case where an objection has been duly made the Minister is required, before confirming the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose, and may then, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, confirm the order with or without modifications.

Any objection to the order must be made in writing and addressed to the Minister of Power at not later than the (*g*) day of , 19 , and should refer to the title of the order and state the grounds of objection.

Dated the day of , 19 .

Signature (*h*)

FIRST SCHEDULE

(*i*)

SECOND SCHEDULE

(*j*)

NOTES

(*a*) Omit in opencast site orders.

(*b*) Omit in storage site orders.

(*c*) Insert if there are public footpaths on the land.

(*d*) The place for inspection should be in the locality.

(*e*) Insert reasonable times for the documents to be inspected.

(*f*) Omit where the land consists exclusively of requisitioned land, and also in opencast site orders where the Minister is proceeding concurrently with respect to an authorisation under section 1 of the Act.

(*g*) Insert a date at least 21 days from service of the notice.

(*h*) The signature should be that of an officer duly authorised by the Board.

(*i*) Insert description of the land comprised in the order. Such description need not be in the form of the first schedule to the order but must be in a form from which persons interested can readily ascertain whether land in which they are interested is included.

(*j*) Insert particulars of the interests and rights affected.

Form No. 9

FORM OF ADVERTISEMENT OF THE GIVING OF A CERTIFICATE UNDER PART III OF THE FIRST SCHEDULE TO THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) ACT, 1946, AS APPLIED BY SECTION 4 OF THE OPENCAST COAL ACT, 1958, OR PART III OF THE FIRST SCHEDULE TO THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT, 1947, AS SO APPLIED

THE OPENCAST COAL ACT, 1958

Whereas the Compulsory Rights Order, 19 , which has been submitted by the National Coal Board to the Minister of Power for confirmation includes the land described in the schedule hereto;

(*a*) [And whereas the said land was acquired by for the purposes of their undertaking and the Minister of is satisfied that [it is used] [an interest is held in it] for the purposes of the carrying on of their undertaking]:

[And whereas the said land [is] [forms part of] [a common] [an open space] [a fuel or field garden allotment]]:

[And whereas the said land [is] [forms part of] [is the site of] an ancient monument or other object of archaeological interest]:

Notice is hereby given that the Minister of in exercise of the powers conferred on him by paragraph [10] [11] [12] of the First Schedule to the [Acquisition of Land (Authorisation Procedure) Act, 1946,] [Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947,] as applied by paragraph[s] 1 [and 12] of the Second Schedule to the Opencast Coal Act, 1958, has certified (*b*)

A map showing the land to which the certificate relates [and the land proposed to be made available during the period for which the order is to have effect] can be inspected at (*c*) between the hours of (*d*) and on .

The certificate becomes operative on the date on which this notice is first published, but if any person aggrieved by the certificate desires to question the validity thereof on the ground that any requirement of the [Acquisition of Land (Authorisation Procedure) Act, 1946,] [Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947,] or of the Opencast Coal Act, 1958, or of any regulation made thereunder has not been complied with in relation to the certificate, he may within six weeks from the date on which this notice is first published make application to the [High Court] [Court of Session] under paragraph 15 of the First Schedule to the [Acquisition of Land (Authorisation Procedure) Act, 1946,] [Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947,] as applied by paragraph[s] 1 [and 12] of the Second Schedule to the Opencast Coal Act, 1958.

Dated the day of , 19 .

Signature (*e*)

SCHEDULE

(f)

NOTES

(*a*) Insert the appropriate provision.
(*b*) Insert the terms of the certificate.
(*c*) The place for inspection should be in the locality.
(*d*) Insert reasonable times for the map to be inspected.
(*e*) The signature should be that of an officer duly authorised by the Board.
(*f*) Insert description of the land to which the certificate relates.

Form No. 10

FORM OF NOTICE OF CONFIRMATION OF A COMPULSORY RIGHTS ORDER THE OPENCAST COAL ACT, 1958

Notice is hereby given that the Minister of Power, in exercise of the powers conferred on him by the Opencast Coal Act, 1958, on the day of , 19 , confirmed [with modifications] a compulsory rights order entitled the Compulsory Rights Order, 19 , submitted by the National Coal Board. The order as confirmed operates so as to confer upon the National Coal Board temporary rights of occupation and use of the land described in the schedule hereto for the purpose of facilitating the working of coal by opencast operations (*a*) [and in particular for the purpose of storing, cleaning or sorting coal or otherwise preparing it for disposal].

A copy of the order as confirmed and the map referred to therein can be inspected at (*b*) between the hours of (c) and on .

(*d*) [The order as confirmed becomes operative on (*e*) [the date on which this notice is first published in a local newspaper] (*f*) [the day of , 19], but if any person aggrieved by the order desires to question the validity thereof, or of any provision contained therein, on the ground that the order is not empowered to be granted under the above-mentioned Act, or desires to question the validity thereof on the ground that any requirement of the [Acquisition of Land (Authorisation Procedure) Act, 1946,] [Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947,] or of the Opencast Coal Act, 1958, or of any regulation made thereunder has not been complied with in relation to the order, he may within six weeks from the date on which this notice is first published in a local newspaper make application to the [High Court] [Court of Session] under paragraph 15 of the First Schedule to the [Acquisition of Land (Authorisation Procedure) Act, 1946,] [Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947,] as applied by paragraph[s] 1 [and 12] of the Second Schedule to the Opencast Coal Act, 1958.]

[The order as confirmed, being subject to special parliamentary procedure, will become operative as provided by the Statutory Orders (Special Procedure) Act, 1945. Except in a case where the order is confirmed by an Act of Parliament under section 6 of that Act, any person aggrieved by the order who desires to question the validity thereof, or of any provision contained therein, on the ground that any requirement of the [Acquisition of Land (Authorisation Procedure) Act, 1946,] [Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947,] or of the Opencast Coal Act, 1958, or of any regulation made thereunder has not been complied with in relation to the order, may within six weeks from the date on which the order becomes operative as aforesaid make application to the [High Court] [Court of Session] under paragraph 15 of the First Schedule to the [Acquisition of Land (Authorisation Procedure) Act, 1946,] [Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947,] as applied by paragraph[s] 1 [and 12] of the Second Schedule to the Opencast Coal Act, 1958.]

Dated the day of , 19 .

Signature (*g*)

SCHEDULE

(h)

NOTES

(*a*) Omit when the order is an opencast site order.

(*b*) The place for inspection should be in the locality.

(*c*) Insert reasonable times for the documents to be inspected.

(*d*) This paragraph or the following one, whichever is appropriate, should be inserted.

(*e*) Omit when the operative date specified in the order is later than the date of first publication.

(*f*) Omit when the operative date specified in the order is earlier than the date of first publication.

(*g*) The signature should be that of an officer duly authorised by the Board.

(*h*) Insert description of the land comprised in the order. Such description need not be in the form of the schedule to the order but must be in a form from which persons interested can readily ascertain whether land in which they are interested is included.

SECOND SCHEDULE

Reg. 4

INFORMATION TO BE INCLUDED IN AN APPLICATION FOR AN AUTHORISATION

A.

Operations proposed to be carried out for the purpose of working the coal, and for purposes incidental to that purpose

Information as to—

1. the quantity and quality of the coal which the Board expect to remove from the land;

2. the approximate date on which the Board propose to begin operations and the period over which operations are expected to continue;

3. the minimum, maximum and average depths to which the Board expect to excavate the land;

4. the Board's proposals for:—

(a) providing access to the public highway from the land;

(b) the fencing of the land;

(c) the felling of trees, with special reference to any which may be the subject of a Tree Preservation Order made under s. 28 of the Town and Country Planning Act, 1947, or s. 26 of the Town and Country Planning (Scotland) Act, 1947;

(d) the destruction of any buildings or structures;

(e) the preservation or protection of any natural or artificial features, including ancient monuments, buildings, fences, hedges, trees and drainage;

(f) the diversion of any watercourse;

(g) the drainage of the site during the working of coal by opencast operations;

(h) the stripping and stacking of topsoil and subsoil;

(i) the stopping up or diversion of any highway or other public right-of-way;

5. any other measures to be taken by the Board in the carrying out of their operations having regard to their obligations under s. 3 of the Opencast Coal Act, 1958.

B.

Operations proposed to be carried out for the purpose of restoring land affected by the working of the coal or by operations connected therewith, and for purposes incidental to that purpose

Information as to—

1. the Board's proposals for:—
(a) the replacement of over-burden, subsoil and topsoil;
(b) the treatment of the land, so as to make it reasonably fit for agriculture, or other use;
(c) the restoration of watercourses, ditches and under-drainage;
(d) the planting of trees and hedges;
(e) the restoration of buildings or their replacement by other buildings or by structures of comparable benefit to the land;
(f) the building and repair of walls and fences;
(g) the restoration of roads, paths and services;

2. any other measures to be taken by the Board in restoring the land having regard to their obligations under s. 3 of the Opencast Coal Act, 1958.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations prescribe forms to be used in relation to authorisations under section 1 of the Opencast Coal Act, 1958, and in relation to the making and confirmation of compulsory rights orders under the Act. The regulations also prescribe information to be furnished by the National Coal Board when applying for such authorisations.

1958 No. 2121

The Opencast Coal (Notice of Record) Regulations, 1958

Made - - - -	15*th December*, 1958
Laid before Parliament	19*th December*, 1958
Coming into Operation	20*th December*, 1958

The Minister of Power, in exercise of the powers conferred upon him by subsection (5) of section thirty-six and subsection (1) of section forty-nine of the Opencast Coal Act, 1958(**a**), and of all other powers him enabling, hereby makes the following regulations:—

1. These regulations shall come into operation on the twentieth day of December, nineteen hundred and fifty-eight, and may be cited as the Opencast Coal (Notice of Record) Regulations, 1958.

2. The Interpretation Act, 1889(**b**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The forms set out in the Schedule hereto, or forms substantially to the like effect, shall be the forms to be used for the purposes of subsection (5) of section thirty-six of the Opencast Coal Act, 1958, in the cases to which those forms are respectively applicable.

Dated this fifteenth day of December, nineteen hundred and fifty-eight.

Mills,
Minister of Power.

(a) 6 & 7 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63.