STATUTORY INSTRUMENTS

1975 No. 2054

COAL INDUSTRY

The Opencast Coal (Authorisations and Compulsory Rights Orders) Regulations 1975

Made - - - - 4*th December* 1975
Laid before Parliament 17*th December* 1975
Coming into Operation 6*th January* 1976

The Secretary of State, in exercise of the powers conferred by section 49(1) and (2) of, and paragraphs 2(*a*), 3, 4(1)(*a*), (*b*) and (*d*) and 8(1) of Schedule 1 to the Opencast Coal Act 1958(**a**), as amended by section 5 of, and Schedule 4 to, the Coal Industry Act 1975(**b**), and by paragraphs 2, 3(1)(*a*) and (*b*), 6 and 13 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946(**c**) and paragraphs 2, 3, 6 and 13 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(**d**), as applied by section 4 of, and Part I of Schedule 2 to, the Opencast Coal Act 1958, as amended by section 4 of, and Schedule 3 to, the Coal Industry Act 1975, and now vested in him(**e**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Opencast Coal (Authorisations and Compulsory Rights Orders) Regulations 1975 and shall come into operation on 6th January 1975.

Interpretation

2.—(1) In these Regulations—

"the Acquisition of Land Act as applied" means the Acquisition of Land Act as applied by section 4(5) of, and Part I of Schedule 2 to, the Act of 1958;

"the Act of 1958" means the Opencast Coal Act 1958;

"the Scottish Acquisition of Land Act as applied" means the Scottish Acquisition of Land Act as applied by section 4(5) and (8) of, and Part I of Schedule 2 to, the Act of 1958.

(2) In these Regulations, any reference to a numbered form is a reference to the form bearing that number in Schedule 1 to these Regulations, or a form substantially to the like effect.

(3) In these Regulations, references to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

(**a**) 1958 c. 69. (**b**) 1975 c. 56. (**c**) 1946 c. 49. (**d**) 1947 c. 42.
(**e**) S.I. 1969/1498, 1970/1537 (1969 III, p. 4797; 1970 III, p. 5293).

(4) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament and as if the Regulations revoked by these Regulations were an Act of Parliament repealed by an Act of Parliament.

Prescribed forms relating to authorisations

3. The prescribed forms for the undermentioned provisions of Schedule 1 to the Act of 1958 (procedure for granting authorisations and suspending public rights of way) shall be as follows:—

(*a*) for the purposes of paragraph 2(*a*), the form of application for an authorisation shall be form 1;

(*b*) for the purposes of paragraph 4(1)(*a*) and that sub-paragraph as having effect by virtue of paragraph 4(2), the form of newspaper notice of intention to submit an application for an authorisation, which is or is not to include an application for an order under section 15 of the Act of 1958, shall be form 2;

(*c*) for the purpose of paragraph 4(1)(*b*) and (*c*) and those sub-paragraphs as having effect by virtue of paragraph 4(2), the form of notice to local planning authorities or, in Scotland, planning authorities and other local authorities and to owners, lessees and occupiers of intention to submit an application for an authorisation which is or is not to include an application for an order under section 15 of the Act of 1958, shall be form 3;

(*d*) for the purposes of paragraph 4(1)(*d*) and that sub-paragraph as having effect by virtue of paragraph 4(2), the form of the notice to be affixed to some conspicuous object or objects of land of intention to submit an application for an authorisation, which is or is not to include an application for an order under section 15 of the Act of 1958, shall be form 4;

(*e*) for the purposes of paragraph 8(1), the form of notice of the granting of an authorisation shall be form 5;

(*f*) for the purposes of paragraph 8(2), the form of notice of the making of an order under section 15 of the Act of 1958 shall be form 6.

Prescribed forms relating to compulsory rights orders

4.—(1) The prescribed forms for the undermentioned provisions of Schedule 1 to the Acquisition of Land Act as applied (procedure relating to compulsory rights orders) shall be as follows:—

(*a*) for the purposes of paragraph 2, the form of compulsory rights order shall be form 7;

(*b*) for the purposes of paragraph 3(1)(*a*), the form of newspaper notice of the making of a compulsory rights order shall be form 8;

(*c*) for the purposes of paragraph 3(1)(*b*), the form of notice to persons directly concerned in the making of a compulsory rights order shall be form 9, or, in the case of a limited compulsory rights order, form 10;

(*d*) for the purposes of paragraph 6, the form of notice of confirmation of a compulsory rights order shall be form 11;

(a) 1889 c. 63.

(*e*) for the purposes of paragraph 13, the form of newspaper notice stating that a certificate has been given under Part III of Schedule 1 to the Acquisition of Land Act as applied shall be form 12.

(2) The prescribed forms for the under mentioned provisions of Schedule 1 to the Scottish Acquisition of Land Act as applied (procedure relating to compulsory rights orders) shall be as follows:—

(*a*) for the purposes of paragraph 2, the form of compulsory rights order shall be form 7;

(*b*) for the purposes of paragraph 3(*a*), the form of newspaper notice of the making of a compulsory rights order shall be form 8;

(*c*) for the purposes of paragraph 3(*b*), the form of notice to persons directly concerned in the making of a compulsory rights order shall be form 9, or, in the case of a limited compulsory rights order, form 10;

(*d*) for the purposes of paragraph 6, the form of notice of confirmation of a compulsory rights order shall be form 11;

(*e*) for the purposes of paragraph 13, the form of newspaper notice stating that a certificate has been given under Part III of Schedule 1 to the Scottish Acquisition of Land Act as applied shall be form 12.

Prescribed information for inclusion in applications for authorisations

5. The prescribed information to be included in an application for an authorisation for the purposes of paragraph 3(1) of Schedule 1 to the Act of 1958 shall be the information specified in Parts I and II of Schedule 2 to these Regulations and, for the purposes of that Schedule, the provisions of Part III thereof shall have effect.

Revocation

6. The Opencast Coal (Authorisations and Compulsory Rights Orders) Regulations 1958(**a**) are hereby revoked.

Tony Benn,

Secretary of State for Energy.

4th December 1975.

Regulations 3 and 4 SCHEDULE 1

CONTENTS

FORMS RELATING TO AUTHORISATIONS

Form 1 Application for authorisation.

Form 2 Newspaper notice of intention to submit application for authorisation which is or is not to include application for order under section 15 of the Act of 1958.

(**a**) S.I. 1958/2055 (1958 I, p. 328).

Form 3 Notice to local planning authorities (in Scotland, planning authorities) and other local authorities, owners, lessees and occupiers, of intention to submit application for authorisation which is or is not to include application for order under section 15 of the Act of 1958.

Form 4 Notice to be affixed to some conspicuous object or objects on land of intention to submit application for authorisation which is or is not to include application for order under section 15 of the Act of 1958.

Form 5 Notice of granting of authorisation.

Form 6 Notice of making of order under section 15 of the Act of 1958.

FORMS RELATING TO COMPULSORY RIGHTS ORDERS

Form 7 Compulsory rights order.

Form 8 Newspaper notice of making of compulsory rights order.

Form 9 Notice to persons directly concerned of making of compulsory rights order other than a limited compulsory rights order.

Form 10 Notice to persons directly concerned of making of limited compulsory rights order.

Form 11 Notice of confirmation of compulsory rights order.

Form 12 Newspaper notice of giving of certificate under Part III of Schedule 1 to the Acquisition of Land Act as applied or Part III of Schedule 1 to the Scottish Acquisition of Land Act as applied.

FORM 1

APPLICATION FOR AUTHORISATION
OPENCAST COAL ACT 1958

(a) APPLICATION 19

TO THE SECRETARY OF STATE

1. The National Coal Board hereby apply for an authorisation under section 1 of the Opencast Coal Act 1958 in respect of the land which is described in Schedule 1 hereto and is delineated and shown **(b)** on the map attached to this application and marked "Map referred to in the Application 19 ", being the land which the National Coal Board will require to occupy for the purpose of enabling operations which (if the authorisation is granted) will be authorised operations as defined in section 1(5) of that Act to be carried out ("the relevant land").

2. It is proposed to work coal by opencast operations on those parts of the relevant land which are delineated and shown **(b)** on the said map.

3. Information as to the operations proposed to be carried out—

(*a*) for the purpose of working the coal, and for purposes incidental thereto is set out in Schedule 2 hereto; and

(*b*) for the purpose of restoring land affected by the working of the coal or by operations connected therewith and for purposes incidental thereto is set out in Schedule 3 hereto.

[**4.** The National Coal Board hereby apply for an order under section 15 of the Opencast Coal Act 1958 suspending [a] public right[s] of way, not being [a] right[s] enjoyable by vehicular traffic, subsisting over parts of the relevant land being the rights of way numbered delineated and shown on the said map.

[**5.** The National Coal Board proposes to make available for use by the public during the period for which the order (if made) remains in force the alternative way[s] numbered delineated and shown on the said map.]]

SCHEDULE 1

DESCRIPTION OF THE RELEVANT LAND

1. (c)

Number on map	Extent, description and situation of the relevant land (d)	Owners or reputed owners	Lessees or reputed lessees	Occupiers (other than tenants for a month or less)
(1)	(2)	(3)	(4)	(5)

2. The extent of those parts of the relevant land on which it is proposed to work coal by opencast operations is .

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

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

5. Tree Preservation Orders under section 60 of the Town and Country Planning Act 1971 or section 58 of the Town and Country Planning (Scotland) Act 1972 are in force in respect of the relevant land as follows:—

(f)

6. The relevant land has the following features:—

(*a*) buildings:— **(g)**

(*b*) structures:— **(g)**

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

(*d*) roads and other ways:— **(g)**

(*e*) apparatus belonging to statutory undertakers:— **(g)**

(*f*) watercourses:— **(g)**

(*g*) other features:— **(g) (h)**

SCHEDULE 2

INFORMATION AS TO OPERATIONS PROPOSED TO BE CARRIED OUT FOR THE PURPOSE OF WORKING COAL AND FOR PURPOSES INCIDENTAL THERETO

SCHEDULE 3

INFORMATION AS TO OPERATIONS PROPOSED TO BE CARRIED OUT FOR THE PURPOSE OF RESTORING LAND AFFECTED BY WORKING OF COAL OR BY OPERATIONS CONNECTED THEREWITH AND FOR PURPOSES INCIDENTAL THERETO

[Date and signature of an officer duly authorised by the National Coal Board.]

NOTES

(a) Insert the name given to the relevant land referred to in the application.

(b) Describe the colouring or other method used to identify the land on the map. The aggregate of the relevant land and the parts referred to in paragraph 2 should readily be distinguishable. The boundaries of each parcel of land separately numbered in column (1) of Schedule 1 to the application should be clearly delineated. Also, the map itself should contain sufficient topographical detail to enable the situation of the land to be readily identified and should normally be on a scale of 1/2500.

(c) Column (1) need not be completed where the application relates only to land in the same ownership and occupation. Where there are two or more of such parcels of land they should be numbered 1, 2, etc. on the map and referred to accordingly in column (1). Columns (3) to (5) need not be completed in the case of any land in respect of which the Secretary of State has dispensed with service on owners, lessees and occupiers under paragraph 4(1)(*c*) of Schedule 1 to the Opencast Coal Act 1958. Where the ownership of minerals other than coal and the superjacent surface is severed, those minerals should be dealt with separately.

(d) The land comprised in each numbered parcel should be described by reference to each enclosure or part of an enclosure on the relevant sheets of the ordnance map. The number and editions of the sheets in question should be stated as well as the extent of each enclosure or part of an enclosure.

(e) Insert sufficient particulars to enable the parts of the relevant land used or designated for different purposes to be identified by reference to the map.

(f) Insert sufficient particulars to enable the parts of the relevant land to which the orders apply to be identified on the map.

(g) Insert sufficient particulars to enable the features 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 National Coal Board will have regard in carrying out their operations.

FORM 2

NEWSPAPER NOTICE OF INTENTION TO SUBMIT APPLICATION FOR AUTHORISATION WHICH IS OR IS NOT TO INCLUDE APPLICATION FOR ORDER UNDER SECTION 15 OF THE OPENCAST COAL ACT 1958

OPENCAST COAL ACT 1958

Notice is hereby given that the National Coal Board intend to submit an application entitled the Application 19 to the Secretary of State for an authorisation under section 1 of the Opencast Coal Act 1958 to work coal by opencast operations or to cause or permit coal to be worked by such operations [and for an order under section 15 of that Act suspending [a] public right[s] of way]. The land which the National Coal Board require to occupy in this connection [and the right[s] of way to which the application for the order relates [and the alternative way[s] which the National Coal Board propose to make available]] [is] [are] described below. A copy of the application and of the accompanying map may be seen between the hours of and on **(a)** at **(b)**. Any objection to the application must be made in writing to the Secretary of State at before **(c)** and should state [whether it is to the grant of the authorisation or to the making of the order suspending [a] public right[s] of way and] the grounds of objection.

DESCRIPTION OF LAND
(d)

[DESCRIPTION OF PUBLIC RIGHT[S] OF WAY
(e)

[DESCRIPTION OF ALTERNATIVE WAY[S] PROPOSED TO BE MADE AVAILABLE]]
(e)

[Date and signature of an officer duly authorised by the National Coal Board.]

NOTES

(a) Insert reasonable times for inspection of the documents.

(b) The place of deposit must be "in the locality". It should therefore be within relatively easy reach of persons living in the area affected.

(c) Insert a date at least 28 clear days from the date of first publication of this notice in a local newspaper or in the London or Edinburgh Gazette (as the case may be) whichever is the later date.

(d) Insert description of all the land described in the application which the National Coal Board will require to occupy. This need not repeat Schedule 1 to the application, but must be in terms which enable the reader to appreciate what land is included.

(e) Where the application includes an application for an order under section 15 of the Opencast Coal Act 1958, insert under the appropriate heading descriptions of the public rights of way to which the application for the order relates and the alternative ways proposed to be made available in sufficient detail to tell the reader approximately where the ways are situated without reference to the map.

FORM 3

NOTICE TO LOCAL PLANNING AUTHORITIES (IN SCOTLAND, PLANNING AUTHORITIES) AND OTHER LOCAL AUTHORITIES, OWNERS, LESSEES AND OCCUPIERS, OF INTENTION TO SUBMIT APPLICATION FOR AUTHORISATION WHICH IS OR IS NOT TO INCLUDE APPLICATION FOR ORDER UNDER SECTION 15 OF THE OPENCAST COAL ACT 1958

OPENCAST COAL ACT 1958

1. Take notice that the National Coal Board intend to submit an application entitled the Application 19 to the Secretary of State for an authorisation under section 1 of the Opencast Coal Act 1958 to work coal by opencast operations or to cause or permit coal to be worked by such operations [and for an order under section 15 of that Act suspending [a] public right[s] of way]. The land which the National Coal Board require to occupy in this connection [and the right[s] of way to which the application for the order relates [and the alternative way[s] which the National Coal Board propose to make available]] [is] [are] described below.

2. A copy of the application and of the map referred to therein have been deposited at **(a)** and may be seen there between the hours of and on **(b)**.

3. If no objection is made by any [local] **(c)** planning authority in whose area any part of the land described below is situated or by any other local authority [being the council of a county or a district] **(c)** in whose area any part of that land is situated or by any owner, lessee or occupier (except a tenant for a month or less) of any part of that land, or if all objections so made are withdrawn, the Secretary of State, upon being satisfied that the proper notices have been published and served, may if he thinks fit after considering any other objections which are duly made and not withdrawn—

[(*a*)] grant the authorisation [and

(*b*) make the order suspending [a] public right[s] of way]

either in accordance with the National Coal Board's application or subject to such modifications as he may determine.

4. If any objection to the grant of the authorisation is duly made by any such [local] **(c)** planning authority, or other local authority, or by any such owner, lessee or occupier and is not withdrawn, the Secretary of State is required to cause a public local inquiry to be held, and to consider all objections to the grant of the authorisation which are duly made and not withdrawn 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.

[**5.** If any objection to the making of the order suspending [a] public right[s] of way is duly made by [the council of any such county or district] [any such local authority] **(d)** and is not withdrawn, the Secretary of State is required to cause a public local inquiry to be held and to consider all objections to the making of the order which are duly made and not withdrawn and the report of the person who held the inquiry before determining whether to make the order; and if he determines to make the order, he may do so either in accordance with the National Coal Board's application or subject to such modifications as he may determine.

6. Where a public local inquiry is required to be held into both the grant of the authorisation and the making of the order suspending [a] public right[s] of way the Secretary of State may direct that those inquiries shall he held concurrently.]

7. Any objection to the application must be made in writing to the Secretary of State at before **(e)** and should state [whether it is to the grant of the authorisation or to the making of the order suspending [a] public right[s] of way and] the grounds of the objection.

DESCRIPTION OF LAND
(f)

[DESCRIPTION OF RIGHT[S] OF WAY
(g)

[DESCRIPTION OF ALTERNATIVE WAY[S] PROPOSED TO BE MADE AVAILABLE]]
(g)

[Date and signature of an officer duly authorised by the National Coal Board.]

NOTES

(a) The place of deposit must be "in the locality". It should therefore be within relatively easy reach of persons living in the area affected.

(b) Insert reasonable times for the inspection of the documents.

(c) Omit where the land is in Scotland.

(d) Omit the words "the council of any such county or district" where the land is in Scotland. Omit the words "any such local authority" where the land is in England or Wales.

(e) Insert a date at least 28 clear days from the service of the notice (i.e. 28 days excluding the date of service).

(f) Insert description of all the land described in the application which the National Coal Board will require to occupy. This need not repeat Schedule 1 to the application, but must be in terms from which persons interested can readily see how their land is affected.

(g) Where the application includes an application for an order under section 15 of the Opencast Coal Act 1958, insert under the appropriate heading descriptions of the rights of way to which the order relates and of any alternative ways proposed to be made available in sufficient detail to tell the reader approximately where the ways are situated, without reference to the map.

FORM 4

NOTICE TO BE AFFIXED TO CONSPICUOUS OBJECT OR OBJECTS ON LAND OF INTENTION TO SUBMIT APPLICATION FOR AUTHORISATION WHICH IS OR IS NOT TO INCLUDE APPLICATION FOR ORDER UNDER SECTION 15 OF THE OPENCAST COAL ACT 1958

OPENCAST COAL ACT 1958

TO THE OWNERS AND OCCUPIERS OF THE LAND AT (a)

1. Take notice that the National Coal Board intend to submit an application entitled the Application 19 to the Secretary of State for an authorisation under section 1 of the Opencast Coal Act 1958 to work coal by opencast operations or to cause or permit coal to be worked by such operations [and for an order under section 15 of that Act suspending [a] public right[s] of way]. The land which the National Coal Board require to occupy in this connection [and the right[s] of way to which the application for the order relates [and the alternative way[s] which the National Coal Board propose to make available]] [is] [are] described below.

2. A copy of the application and of the map referred to therein have been deposited at **(b)** and may be seen there between the hours of and on **(c)**.

3. If no objection is made by any [local] **(d)** planning authority in whose area any part of the land described below is situated or by any other local authority [being the council of a county or a district] **(d)** in whose area any part of that land is situated or by any owner, lessee, or occupier (except a tenant for a month or less) of any part of that land, or if all the objections so made are withdrawn, the Secretary of State, upon being satisfied that the proper notices have been published and served, may if he thinks fit after considering any other objections which are duly made and not withdrawn—

[(*a*)] grant the authorisation [and

(*b*) make the order suspending [a] public right[s] of way]

either in accordance with the National Coal Board's application or subject to such modifications as he may determine.

4. If any objection to the grant of the authorisation is duly made by any such [local] **(d)** planning authority, or other local authority, or by any such owner, lessee or occupier and is not withdrawn, the Secretary of State is required to cause a public local inquiry to be held, and to consider all objections to the grant of the authorisation which are duly made and not withdrawn 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.

[**5.** If any objection to the making of the order suspending [a] public right[s] of way is duly made by [the council of any such county or district] [any such local authority] **(e)** and is not withdrawn, the Secretary of State is required to cause a public local inquiry to be held and to consider all objections to the making of the order which are duly made and not withdrawn and the report of the person who held the inquiry before determining whether to make the order; and if he determines to make the order, he may so do either in accordance with the National Coal Board's application or subject to such modifications as he may determine.

6. Where a public local inquiry is required to be held into both the grant of the authorisation and the making of the order suspending [a] public right[s] of way the Secretary of State may direct that those inquiries shall be held concurrently].

7. Any objection to the application must be made in writing to the Secretary of State at before **(f)** and should state [whether it is to the grant of the authorisation or to the making of the order suspending [a] public right[s] of way and] the grounds of the objection.

DESCRIPTION OF LAND
(g)

[DESCRIPTION OF RIGHT[S] OF WAY
(h)

[DESCRIPTION OF ALTERNATIVE WAY[S] PROPOSED TO BE MADE AVAILABLE]]
(h)

[Date and signature of an officer duly authorised by the National Coal Board.]

NOTES

(a) Insert a description of the land on which the notice is to be displayed.

(b) The place of deposit must be "in the locality". It should therefore be within relatively easy reach of persons living in the area affected.

(c) Insert reasonable times for the inspection of the documents.

(d) Omit where the land is in Scotland.

(e) Omit the words "the council of any such county or district" where the land is in Scotland. Omit the words "any such local authority" where the land is in England or Wales.

(f) Insert a date at least 28 clear days from the day the notice is first displayed (i.e. 28 days excluding the date of affixing).

(g) Insert description of all the land described in the application which the National Coal Board will require to occupy. This need not repeat Schedule 1 to the application, but must be in terms from which persons interested can readily see how their land is affected.

(h) Where the application includes an application for an order under section 15 of the Opencast Coal Act 1958, insert under the appropriate heading descriptions of the rights of way to which the order relates and of any alternative ways proposed to be made available in sufficient detail to tell the reader approximately where the ways are situated, without reference to the map.

FORM 5

NOTICE OF GRANTING OF AUTHORISATION

OPENCAST COAL ACT 1958

1. Notice is hereby given that the Secretary of State, in exercise of his powers under section 1 of the Opencast Coal Act 1958, on 19 granted to the National Coal Board the Authorisation 19 to work coal by opencast operations or to cause or permit coal to be worked by such operations.

2. The aggregate of the land specified in the authorisation as land which the National Coal Board will require to occupy for the purpose of enabling operations to be carried out for, or incidental to, the fulfilment of the purposes—

(*a*) of working coal by opencast operations in pursuance of the authorisation, and

(*b*) of restoring land affected by the working of coal in pursuance of the authorisation or by operations connected therewith,

is the land described in the Schedule hereto.

3. A copy of the authorisation and of the map referred to therein have been deposited at (**a**) and may be seen there at all reasonable hours.

4. 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 a person aggrieved by the authorisation may, by application to the [High Court] [Court of Session] within 6 weeks from the operative date, question its validity on the grounds—

(*a*) that the authorisation is not empowered to be granted, or

(*b*) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the authorisation.

SCHEDULE

LAND COMPRISED IN THE AUTHORISATION

[Date and signature of an officer duly authorised by the National Coal Board.]

NOTES

(**a**) The place of deposit must be "in the locality". It should therefore be within relatively easy reach of persons living in the area affected.

FORM 6

NOTICE OF MAKING OF ORDER UNDER SECTION 15 OF THE OPENCAST COAL ACT 1958

OPENCAST COAL ACT 1958

1. Notice is hereby given that the Secretary of State, in exercise of his powers under section 15 of the Opencast Coal Act 1958, on 19 made the Order 19 suspending [a] public right[s] of way with effect from .

2. The right[s] of way which [is] [are] suspended by the order [is] [are] described in [the] Schedule [1] hereto [and the alternative way[s] which [is] [are] to be made available by the National Coal Board for use by the public during the period for which the order remains in force [is] [are] described in Schedule 2 hereto.]

3. A copy of the order and of the map referred to therein have been deposited at (a) and may be seen there at all reasonable hours.

SCHEDULE [1]

RIGHT[S] OF WAY SUSPENDED

[SCHEDULE 2

ALTERNATIVE WAY[S] TO BE MADE AVAILABLE]

[Date and signature of an officer duly authorised by the National Coal Board]

NOTE

(a) The place of deposit must be "in the locality". It should therefore be within relatively easy reach of persons living in the area affected.

FORM 7

COMPULSORY RIGHTS ORDER

OPENCAST COAL ACT 1958

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(1) [and 8(1)](**a**) of the Opencast Coal Act 1958, hereby acquire compulsorily, for the purpose of facilitating the working of coal by opencast operations, temporary rights of occupation and use of the land which is described in [the] Schedule [1](**b**) hereto and is delineated and shown (**c**) 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 Secretary of State at .

[**2.** (**d**) The land referred to in Article 1 above is land comprised in an authorisation entitled the Authorisation 19 granted by the Secretary of State under section 1 of the Opencast Coal Act 1958 on 19 .]

[**2.** (**d**) The land referred to in Article 1 above is contiguous with land comprised in an authorisation entitled the Authorisation 19 granted by the Secretary of State under section 1 of the Opencast Coal Act 1958 on 19 and is land on which an alternative way is to be made available by the National Coal Board for use by the public during the period for which an order under section 15 of that Act suspending a right of way over land comprised in the authorisation remains in force.]

[**2.** (**d**) The land referred to in Article 1 above consists of land comprised in an authorisation entitled the Authorisation 19 granted by the Secretary of State under section 1 of the Opencast Coal Act 1958 on 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 15 of that Act suspending a right of way over land comprised in the authorisation remains in force.]

[**3.** (**a**) The operation of this order shall be limited so as to extend only to the interests and rights specified in Schedule 2 hereto in respect of the land referred to in Article 1 above.]

[**4.** (**e**) The land which is described in Schedule [ ] hereto and is delineated and shown on the map referred to in Article 1 above shall be made available during the period for which this order is to have effect subject to the like rights, trusts and incidents as attach to such of the land referred to in paragraph 1 of Schedule 1 as forms part of [a common] [an open space] [a fuel allotment or field garden allotment].]

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

SCHEDULE [1]

Number on map (**f**)	Extent, description and situation of the land (**g**)	Owners or reputed owners	Lessees or reputed lessees	Occupiers and other persons directly concerned
(1)	(2)	(3)	(4)	(5)

[**1.(h)** The order includes land falling within special categories to which [Part III of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 as applied by section 4(5) of], [Part III of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as applied by section 4(5) and (8) of], and Schedule 2 to, the Opencast Coal Act 1958 applies, namely—

Number on map *Description*]

[**2.(i)** The order includes land to which section 9(4) of the Opencast Coal Act 1958 applies, namely—

Number on map *Description*]

19 . A duly authorised officer of the National Coal Board.

[SCHEDULE 2] **(j)**

[SCHEDULE [ ]] **(k)**

NOTES

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

(b) Omit if both Articles 3 and 4 are omitted.

(c) Describe the colouring or other method used to identify the land on the map. The boundaries of each parcel of land separately numbered in Schedule [1] to the order should be clearly delineated. Also the map itself should contain sufficient topographical detail to enable the situation of the land to be readily identified and should normally be on a scale of 1/2500 or 1/1250.

(d) When the order is made before the relevant authorisation has been granted, for the words "authorisation entitled the Authorisation 19 granted by the Secretary of State under section 1 of the Opencast Coal Act 1958 on 19 ", substitute the words "application entitled the Application for an authorisation under section 1 of the Opencast Coal Act 1958 which [has been] [is about to be] submitted to the Secretary of State. Omit the Article if inapplicable.

(e) Omit if inapplicable.

(f) Column (1) need not be completed where the order relates only to land in the same ownership and occupation. Where there are two or more such parcels of land they should be numbered 1, 2, etc. on the map and referred to accordingly in column (1).

(g) This column should contain sufficient detail to tell the reader approximately where the land is situated without reference to a map.

(h) A compulsory rights order operating so as to confer on the National Coal Board temporary rights of occupation and use of land—

(i) which is the property of a local authority;

(ii) which has been acquired by statutory undertakers for the purposes of their undertaking;

(iii) forming part of a common, open space or fuel or field garden allotment;

(iv) held inalienably by the National Trust or the National Trust for Scotland; or

(v) being, or being the site of, an ancient monument or other object of archaeological interest,

is subject to Part III of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 or Part III of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and consequently may be subject to special parliamentary procedure in certain circumstances.

The column "Description" need only refer to the special category into which the relevant parcel of land falls.

(i) Section 9(4) of the Opencast Coal Act 1958 imposes restrictions on the confirmation of a compulsory rights order comprising land formerly requisitioned under emergency powers and then used for working coal on that land or contiguous land by opencast operations.

(j) Insert a description of the interests or rights referred to in Article 3. Omit if Article 3 is omitted.

(k) Insert a description of the land to be made available referred to in Article 4. Omit if Article 4 is omitted.

FORM 8

NEWSPAPER NOTICE OF MAKING OF COMPULSORY RIGHTS ORDER

OPENCAST COAL ACT 1958

COMPULSORY RIGHTS ORDER IN RESPECT OF LAND
IN (a)

Notice is hereby given that the National Coal Board, in exercise of the powers conferred on them by section 4(1) of the Opencast Coal Act 1958, have made the Compulsory Rights Order 19 .

They are about to submit this order to the Secretary of State for confirmation, and if confirmed, the order will operate so as to confer on the National Coal Board temporary rights of occupation and use of the land described below for the purpose of facilitating the working of coal by opencast operations. [The operation of the order is limited so as to extend only to the interests and rights specified below].(b)

A copy of the order and of the accompanying map may be seen between the hours of and on (c) at (d).

Any objection to the order must be made in writing to the Secretary of State at before (e) and should state the grounds of objection.

DESCRIPTION OF LAND
(f)

[INTERESTS AND RIGHTS TO WHICH THE ORDER EXTENDS]
(b)

[Date and signature of an officer duly authorised by the National Coal Board.]

NOTES

(a) Insert the name of the area in which the land concerned is situated.

(b) Omit except in the case of orders to which section 8 of the Opencast Coal Act 1958 applies.

(c) Insert reasonable times for the inspection of the documents.

(d) The place of deposit must be "in the locality". It should therefore be within relatively easy reach of persons living in the area affected.

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

(f) Insert description of all the land described in the order. This need not repeat the schedule to the order, but must be in terms which enable the reader to appreciate what land is included.

FORM 9

NOTICE TO PERSONS DIRECTLY CONCERNED OF MAKING OF COMPULSORY RIGHTS ORDER OTHER THAN A LIMITED COMPULSORY RIGHTS ORDER

OPENCAST COAL ACT 1958

1. Take notice that the National Coal Board, in exercise of the powers conferred on them by section 4(1) of the Opencast Coal Act 1958, on 19 made the Compulsory Rights Order 19 which is about to be submitted to the Secretary of State for confirmation.

The order, if confirmed, will operate so as to confer on the National Coal Board temporary rights of occupation and use of the land described below for the purpose of facilitating the working of coal by opencast operations.

2. The effect of the order is to confer upon the National Coal Board and upon persons authorised by the National Coal Board for a period of years and months—

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

(*b*) subject to certain limitations, the right during the period of occupation, as against all persons who for the time being have any interest in any of the land comprised in the order, or have (apart from the order) a right to occupy any of that land, or are entitled to any right restrictive of the use of any of that land, [—

(i)] (**a**) to carry out, on or in relation to any of the land comprised in the order, all such operations as may appear to the National Coal Board, in relation to the authorisation referred to in the order, to be requisite for, or incidental to, the fulfilment of the purposes of working coal by opencast operations in pursuance of the authorisation and of restoring land affected by the working of coal in pursuance of the authorisation or by operations connected therewith [and if an order is made under section 15 of the Opencast Coal Act 1958 suspending a right of way over land comprised in the authorisation, then, in connection with the provision of any alternative way to be made available by the National Coal Board for use by the public during the period for which that order remains in force, the purpose of making the alternative way available for use by the public on land comprised in this order; and

(ii) to permit the public to use any way so made available] (**a**).

3. A copy of the order and of the map referred to therein have been deposited at (**b**) and may be seen there between the hours of and on (**c**).

4. If no objection is duly made by a person who for the time being has an interest in any of the land described below, or has a right to occupy any of that land, or is entitled to a right restrictive of the use of any of that land, being in either case a right affected by the order, or if all objections so made are withdrawn, or if the Secretary of State is satisfied that every objection so made relates [either—

(*a*)](**d**) exclusively to matters of compensation which can be dealt with by the [Lands Tribunal] [Lands Tribunal for Scotland] [; or

(*b*) to the question whether an authorisation under Section 1 of the Opencast Coal Act 1958 should have been, or should be, granted to work the coal in question 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](d)

he may confirm the order with or without modifications.

5. In any other case where an objection has been made by a person who for the time being has an interest in any of the land described below, or has a right to occupy any of that land, or is entitled to a right restrictive of the use of any of that land, being in either case a right affected by the order, the Secretary of State 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 Secretary of State for the purpose, and may then, after considering the objection and the report of the person who held the inquiry or hearing, confirm the order with or without modifications.

6. Any objections to the order must be made in writing to the Secretary of State at before (e), and should state the grounds of objection.

DESCRIPTION OF LAND
(f)

[Date and signature of an officer duly authorised by the National Coal Board.]

NOTES

(a) Insert if, in respect of a right of way suspended by an order under section 15 of the Opencast Coal Act 1958, a suitable alternative way is to be made available on the land.

(b) The place of deposit must be "in the locality". It should therefore be within relatively easy reach of persons living in the area affected.

(c) Insert reasonable times for the inspection of the documents.

(d) Omit where the Secretary of State is proceeding concurrently with respect to an authorisation.

(e) Insert a date at least 21 clear days from the date of service of the notice (i.e. 21 days excluding the date of service).

(f) Insert description of all the land comprised in the order. This need not repeat the schedule to the order but must be in terms from which persons directly concerned can readily see how their interests or rights are affected.

FORM 10

NOTICE TO PERSONS DIRECTLY CONCERNED OF MAKING OF LIMITED COMPULSORY RIGHTS ORDER

OPENCAST COAL ACT 1958

1. Take notice that the National Coal Board, in exercise of the powers conferred on them by section 4(1) of the Opencast Coal Act 1958, on 19 made the Compulsory Rights Order 19 which is about to be submitted to the Secretary of State for confirmation.
The order, if confirmed, will operate so as to confer on the National Coal Board temporary rights of occupation and use of the land described in Schedule 1 hereto for the purpose of facilitating the working of coal by opencast operations.

2. The effect of the order is to confer 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 Schedule 2 hereto, for a period of years and months—

(*a*) the like rights to exclude persons from the land comprised in the order, as if the National Coal Board had acquired [a freehold interest in] [the dominium utile of] the entirety of that land with vacant possession and free from incumbrances of any description; and

(*b*) subject to certain limitations, the right during the period of occupation, [—

(i)] **(a)** to carry out, on or in relation to any of the land comprised in the order, all such operations as may appear to the National Coal Board, in relation to the authorisation referred to in the order, to be requisite for, or incidental to, the fulfilment of the purposes of working coal by opencast operations in pursuance of the authorisation and of restoring land affected by the working of coal in pursuance of the authorisation or by operations connected therewith [and if an order is made under section 15 of the Opencast Coal Act 1958 suspending a right of way over land comprised in the authorisation, then, in connection with the provision of any alternative way to be made available by the National Coal Board for use by the public during the period for which that order remains in force, the purpose of making the alternative way available for use by the public on land comprised in this order; and

(ii) to permit the public to use any way so made available] **(a)**.

3. A copy of the order and of the map referred to therein have been deposited at **(b)** and may be seen there between the hours of and on **(c)**.

4. If no objection is duly made by a person who for the time being is entitled to an interest or right specified in Schedule 2 hereto, or if all objections so made are withdrawn, or if the Secretary of State is satisfied that every objection so made relates [either—

(*a*)] **(d)** exclusively to matters of compensation which can be dealt with by the [Lands Tribunal] [Lands Tribunal for Scotland] [; or

(*b*) to the question whether an authorisation under section 1 of the Opencast Coal Act 1958 should have been, or should be, granted to work the coal in question 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], **(d)**

he may confirm the order with or without modifications.

5. In any other case where an objection has been made by a person who for the time being is entitled to an interest or right specified in Schedule 2 hereto, the Secretary of State 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 Secretary of State for the purpose, and may then, after considering the objection and the report of the person who held the inquiry or hearing, confirm the order with or without modifications.

6. Any objections to the order must be made in writing to the Secretary of State at before (e), and should state the grounds of objection.

SCHEDULE 1

LAND COMPRISED IN THE ORDER

(f)

SCHEDULE 2

DESCRIPTION OF INTERESTS AND RIGHTS

(g)

[Date and signature of an officer duly authorised by the National Coal Board.]

NOTES

(a) Insert if, in respect of a right of way suspended by an order under section 15 of the Opencast Coal Act 1958, a suitable alternative way is to be made available on the land.

(b) The place of deposit must be "in the locality". It should therefore be within relatively easy reach of persons living in the area affected.

(c) Insert reasonable times for the inspection of the document.

(d) Omit where the Secretary of State is proceeding concurrently with respect to an authorisation.

(e) Insert a date at least 21 clear days from the date of service of the notice (i.e. 21 days excluding the date of service).

(f) Insert description of all the land comprised in the order. This need not repeat the schedule to the order but must be in terms from which persons directly concerned can readily see how their interests or rights are affected.

(g) Insert particulars of the interests and rights affected.

FORM 11

NOTICE OF CONFIRMATION OF COMPULSORY RIGHTS ORDER

OPENCAST COAL ACT 1958

1. Notice is hereby given that the Secretary of State, in exercise of his powers under [paragraph 4[(1)] [(2)] of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 as applied by section 4(5) of, and Schedule 2 to, the Opencast Coal Act 1958], [paragraph [4(1)] [(2)] of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as applied by section 4(5) and (8) of, and Schedule 2 to, the Opencast Coal Act 1958] on 19 confirmed [with modifications] the Compulsory Rights Order 19 submitted by the National Coal Board.

2. 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.

3. A copy of the order as confirmed by the Secretary of State and of the map referred to therein has been deposited at **(a)** and may be seen there at all reasonable hours.

4. (**b**) The order as confirmed becomes operative on [the date on which this notice is first published (**c**)] [19 (**d**)]; but a person aggrieved by the order may, by application to the [High Court] [Court of Session] within six weeks from that date, question its validity on the ground—

(*a*) that the temporary rights of occupation and use of land granted to the National Coal Board by the order are not empowered to be granted, or

(*b*) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

OR

4. The order as confirmed is subject to special parliamentary procedure and will become operative as provided by the Statutory Orders (Special Procedure) Act 1945. Unless the order is confirmed by Act of Parliament under section 6 of that Act, a person aggrieved by the order may, by application to the [High Court] [Court of Session] within six weeks from the operative date, question its validity on the ground—

(*a*) that the temporary rights of occupation and use of land granted to the National Coal Board by the order are not empowered to be granted, or

(*b*) that his interests have been substantially prejudiced by failure to comply with any statutory requirements relating to the order.

SCHEDULE

LAND COMPRISED IN THE ORDER AS CONFIRMED

[Date and signature of an officer duly authorised by the National Coal Board.]

NOTES

(a) The place of deposit should be "in the locality". It should therefore be within relatively easy reach of persons living in the area affected.

(b) Leave standing whichever alternative is appropriate.

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

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

FORM 12

NEWSPAPER NOTICE OF GIVING OF CERTIFICATE UNDER PART III OF SCHEDULE 1 TO THE ACQUISITION OF LAND ACT AS APPLIED OR PART III OF SCHEDULE 1 TO THE SCOTTISH ACQUISITION OF LAND ACT AS APPLIED

OPENCAST COAL ACT 1958

1. The Compulsory Rights Order 19 , which has been submitted by the National Coal Board to the Secretary of State for confirmation includes the land described in the Schedule hereto.

2.(a) This land was acquired by
for the purposes of their undertaking and the Secretary of State is satisfied that [it is used] [an interest is held in it] for the purposes of the carrying on of their undertaking

OR

This land [is] [forms part of] [a common] [an open space] [a fuel or field garden allotment].

OR

This land [is] [forms part of] [is the site of] an ancient monument or other object of archaeological interest.

3. Notice is hereby given that the Secretary of State, in exercise of his powers under paragraph [10] [11] [12] of Schedule 1 to the [Acquisition of Land (Authorisation Procedure) Act 1946 as applied by section 4(5)] [Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as applied by section 4(5) and (8)] of, and paragraph[s] 1 [and 6] [and 7] [when read with paragraph 12] of Schedule 2 to, the Opencast Coal Act 1958, has certified **(b)**.

4. 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] may be inspected at **(c)** between the hours of and on **(d)**.

5. The certificate becomes operative on the date on which this notice is first published; but a person aggrieved by the certificate may, by application to the [High Court] [Court of Session] within six weeks from that date, question its validity on the ground that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the certificate.

SCHEDULE

LAND TO WHICH THE CERTIFICATE RELATES
(e)

[Date and signature of an officer duly authorised by the National Coal Board.]

NOTES

(a) Delete as appropriate.

(b) Insert the terms of the certificate.

(c) The place of deposit should be "in the locality". It should therefore be within relatively easy reach of persons living in the area affected.

(d) Insert reasonable times for the inspection of the map.

(e) Insert description of the land to which the certificate relates.

Regulation 5

SCHEDULE 2

INFORMATION TO BE INCLUDED IN APPLICATION FOR AUTHORISATION

PART I

INFORMATION AS TO OPERATIONS PROPOSED TO BE CARRIED OUT FOR PURPOSE OF WORKING COAL OR FOR PURPOSES INCIDENTAL THERETO

1. The quantity and quality of the coal which the Board expect to remove from the land on which it is proposed to work coal by opencast operations.

2. The approximate date on which the Board propose to begin operations for the purpose of working coal or for purposes incidental thereto and the period over which such operations are expected to continue.

3. The maximum depth to which the Board expect to excavate the land.

4. The Board's proposals for—

(*a*) the provision of means of access from the relevant land to highways;

(*b*) the fencing of the relevant land;

(*c*) the felling of trees, in particular any trees in respect of which a tree preservation order under section 60 of the Town and Country Planning Act 1971 or section 58 of the Town and Country Planning (Scotland) Act 1972 is in force;

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

(*e*) the diversion of any watercourse;

(*f*) the drainage of the relevant land during the working of coal by opencast operations;

(*g*) the stripping and stacking of topsoil and subsoil; and

(*h*) the stopping up or diversion of any highway other than a highway in respect of which an application for an order under section 15 of the Act of 1958 is made.

5. Other steps which the Board propose to take in working coal by opencast operations or carrying out operations connected therewith to fulfil their obligations under section 3(1) of the Act of 1958.

PART II

INFORMATION AS TO OPERATIONS PROPOSED TO BE CARRIED OUT FOR PURPOSE OF RESTORING LAND AFFECTED BY WORKING OF COAL OR BY OPERATIONS CONNECTED THEREWITH OR FOR PURPOSES INCIDENTAL THERETO

6. The Board's proposals for—

(*a*) the replacement of overburden, subsoil and topsoil;

(*b*) the treatment of specified parts of the relevant land so as to make them reasonably fit either—

(i) for use as agricultural land, or

(ii) for 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; and

(*g*) the restoration of roads, other ways (other than ways in respect of which an application for an order under section 15 of the Act of 1958 is made) and services.

7. Other steps which the Board propose to take in restoring land affected by the working of coal by opencast operations or by operations connected therewith to fulfil their obligations under section 3(2) of the Act of 1958.

PART III

INTERPRETATION

8. For the purposes of this Schedule, "relevant land" has the meaning assigned to it by paragraph 2(*a*) of Schedule 1 to the Act of 1958.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations which supersede the Opencast Coal (Authorisations and Compulsory Rights Orders) Regulations 1958 prescribe—

(*a*) forms relating to authorisations under section 1 of the Opencast Coal Act 1958,

(*b*) forms relating to compulsory rights orders under section 4 of the 1958 Act as amended by the Coal Industry Act 1975, and

(*c*) information to be included in applications by the National Coal Board for authorisations under section 1 of the 1958 Act.

The principal changes are to take account of the amendments to the 1958 Act effected by section 4 of, and Schedule 3 to, the 1975 Act (compulsory acquisition of rights over land for opencast operations) and section 5 of, and Schedule 4 to, the 1975 Act (new procedure for suspending public rights of way affected by opencast operations).

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