1959 No. 1146

The Opencast Coal (Claims) Regulations, 1959

Made - - - -	*29th June*, 1959
Laid before Parliament	*8th July*, 1959
Coming into Operation	*9th July*, 1959

The Minister of Power, in exercise of the powers conferred upon him by subsection (2) of section forty 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 ninth day of July, nineteen hundred and fifty-nine, and may be cited as the Opencast Coal (Claims) Regulations, 1959.

2.—(1) In these regulations the following expressions have the meanings hereby assigned to them respectively, that is to say:—

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

"the Board" means the National Coal Board;

"land requisitioned for opencast operations" and "land requisitioned as an opencast storage site" have the meanings assigned to them respectively by paragraph 1 of the Tenth Schedule to the Act;

"the Minister" means the Minister of Power;

"provisional claim" means a claim for compensation under the Act made provisionally in order to enable the Board to make quarterly payments under paragraph (*a*) of subsection (2) of section thirty-five of the Act.

(2) All other expressions to which meanings are assigned by the Act shall (unless the contrary intention appears) have the same meanings in these regulations.

(3) 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.—(1) Subject to the next following paragraph, claims for compensation under the Act shall be made in accordance with the forms specified in relation to such claims respectively in the First Schedule hereto, or forms requiring substantially the like information:

Provided that claims in relation to—

(*a*) land requisitioned for opencast operations;

(*b*) land requisitioned as an opencast storage site; or

(*c*) land comprised in a compulsory rights order, being land which, immediately before the operative date of the order, was land requisitioned for opencast operations or land requisitioned as an opencast storage site;

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

shall be made in accordance with those forms subject to the necessary modifications.

(2) Claims for compensation under paragraph 32 of the Tenth Schedule to the Act shall be made in accordance with the forms specified in the First Schedule hereto in relation to claims under section thirty-two of the Act, subject to the necessary modifications.

4. Claims for compensation under the Act shall be made within the times specified in relation to such claims respectively in the Second Schedule hereto :

Provided that the Minister or the Board may, on written application being made in that behalf, extend the time prescribed by these regulations for making a claim for compensation, whether it has expired or not, in any case in which it appears to him or them that there is reasonable ground for the claim not being made or not having been made within that time.

5. A claimant for compensation shall, if the Board so require, provide—

(*a*) such proof of title to any interest or right in respect of which the claim is made as may reasonably be required, and

(*b*) in the case of a claim specified in the Third Schedule hereto, the evidence specified in that Schedule in relation to such a claim, in so far as such evidence is reasonably required to enable the amount of compensation in respect of that claim to be determined.

Dated this twenty-ninth day of June, nineteen hundred and fifty-nine.

Mills,
Minister of Power.

FIRST SCHEDULE

Reg. 3

FORM 1

Form to be used for claims under section 17 of the Act, or under that section as applied by section 29 of the Act

OPENCAST COAL ACT, 1958

CLAIM FOR ANNUAL COMPENSATION

in respect of

OCCUPATION OF LAND

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1. Give the claimant's full name and address.
2. Give the full title of the compulsory rights order to which this claim relates.
3. Give the period to which this claim relates.
4. Give full particulars of the location and boundaries of the holding (see note 1).
5. State whether this is a provisional claim (see notes 2 and 3).

6. State whether the claimant is/was entitled (or, but for the compulsory rights order, would be/would have been entitled) to occupy the holding during the period to which this claim relates. If not, state his interest.

7. State whether the claimant was entitled to occupy the holding immediately before the operative date of the compulsory rights order. If not, give particulars:

(*a*) of the circumstances in which the claimant became entitled (or, but for the compulsory rights order, entitled) to occupy the holding during the period to which this claim relates (e.g. by termination or assignment of a tenancy, or by inheritance or purchase);

(*b*) where appropriate, of the agreement or disposition under which the claimant became so entitled.

8. Give as full particulars as possible of any of the following affecting the holding during the period to which this claim relates:

(*a*) an easement, servitude or similar right (see note 4);

(*b*) a right conferred by an agreement for the use of land only for mowing or grazing during part of the year;

(*c*) a mortgage or heritable security;

(*d*) a right restrictive of the use of any part of the holding.

Include the name and address of the person entitled thereto.

9. Give as full particulars as possible of any specific planning permissions under a Town and Country Planning Act affecting the whole or part of the holding and in force immediately before the period to which this claim relates.

10. If an amount is claimed for additional annual compensation (see note 5), give as full particulars as possible of the use made of the holding in the four years immediately preceding the operative date of the compulsory rights order.

11. If an amount is claimed for additional annual compensation (see note 5) and it is arrived at by reference to the use and efficiency of the holding in a period longer or shorter than four years immediately preceding the operative date of the compulsory rights order, give:

(*a*) the period;

(*b*) the reasons for selecting that period;

(*c*) full particulars of the use of the holding during that period.

12. If an amount is claimed for additional annual compensation (see note 5), describe the use of the holding, excluding the part comprised in the compulsory rights order, during the period to which this claim relates.

13. If an amount is claimed as special compensation for the cost of removal (see note 6) and it includes expenses incurred in procuring the cancellation or modification of a contract, give particulars of the contract.

14. State separately the amount claimed as:

(*a*) compensation by reference to annual value (see note 7);

(*b*) additional annual compensation (see note 5);

(*c*) special compensation for cost of removal (see note 6);

and give particulars of the way in which these amounts are arrived at.

Signature of claimant .....
(or his duly authorised agent)

Date .....

Name and address of agent (if any) .....

NOTES

1. The holding to be described under this item and referred to in succeeding items is the holding in respect of which compensation is claimed. See sections 17 (2) and 29 (1) of the Act and paragraphs 1, 21 and 24 of the Sixth Schedule to the Act.

2. A provisional claim means a claim for compensation under the Act made provisionally in order to enable the Board to make quarterly payments under section 35 (2) (*a*) of the Act.

3. It is sufficient to insert " No change " against items 6 to 13 if the particulars required are unchanged since the last claim was made by the claimant in respect of the same holding and the same compulsory rights order.

4. See sections 51 (3) and 52 (2) of the Act.

5. See sections 19 and 29 of the Act.

6. Only applicable to the year beginning with the operative date of the compulsory rights order. See sections 20 and 29 of the Act.

7. See sections 18 and 29 of the Act.

FORM 2

Form to be used for claims under section 31 (2) *of the Act*

OPENCAST COAL ACT, 1958

CLAIM FOR ANNUAL COMPENSATION

in respect of

EASEMENTS, SERVITUDES AND OTHER SIMILAR RIGHTS

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. Give the period to which this claim relates.

4. State whether this is a provisional claim (see notes 1 and 2).

5. Give a precise description of the easement, servitude or other right (see note 3) in respect of which the claim is made (see note 4) stating how it was created or arose (e.g. by grant, prescription, covenant) and giving particulars.

6. State whether the claimant is/was entitled (or, but for the compulsory rights order, would be/would have been entitled) to the easement, servitude or other right during the period to which this claim relates. If not, state his interest.

7. Give a full description of the way in which loss is/was caused by the exercise of the easement, servitude or other right being prevented or injuriously affected during the period to which this claim relates.

8. State the amount claimed and give particulars of the way in which it is arrived at.

Signature of claimant .....
(or his duly authorised agent)

Date .....

Name and address of agent (if any) .....

NOTES

1. A provisional claim means a claim for compensation under the Act made provisionally in order to enable the Board to make quarterly payments under section 35 (2) (*a*) of the Act.

2. It is sufficient to answer " No change " against items 5 to 7 if the particulars required are unchanged since the last claim was made by the claimant in respect of the same easement, servitude or other right and the same compulsory rights order.

3. The subject of this claim may be an easement, servitude, similar right (see sections 51 (3) and 52 (2) of the Act and paragraph 23 of the Sixth Schedule to the Act) or right restrictive of the use of land. If a right of common gives rise to a claim, the claim should be made on this form.

4. If this form is used to claim compensation in respect of more than one easement, servitude or other right, the answers to items 5 to 8 should deal separately with each.

FORM 3

Form to be used for claims under section 32 (2) *of the Act*

OPENCAST COAL ACT, 1958

CLAIM FOR ANNUAL COMPENSATION
in respect of
DEPRECIATION OF LAND IN THE SAME OWNERSHIP
as land comprised in a compulsory rights order

1. Give the claimant's full name and address.
2. Give the full title of the compulsory rights order to which this claim relates.
3. Give the period to which this claim relates.
4. State whether this is a provisional claim (see notes 1 and 2).
5. As regards the " owner's land comprised in the order " (see note 3):

(*a*) give full particulars of the location and boundaries of the land;

(*b*) state whether the claimant was the owner (see note 4) immediately before the operative date of the compulsory rights order. If not, give the name and address of the person who was then the owner.

6. As regards the land in respect of which this claim is made (see note 5):

(*a*) give full particulars of the location and boundaries of the land;

(*b*) state whether the claimant was the owner (see note 4) immediately before the operative date of the compulsory rights order and, if not, give the name and address of the person who was then the owner;

(*c*) state whether the claimant is/was, during the period to which this claim relates, the owner (see note 4);

(*d*) state whether the land is/was, during the period to which this claim relates, subject to a tenancy which was in existence immediately before the operative date of the compulsory rights order, and if so give full particulars of the tenancy;

(*e*) state whether a mortgagee or heritable creditor is/was in possession, during the period to which this claim relates, of the land or of the rents and profits of the land, and if so give his name and address and the date on which he took possession of the land or of the rents and profits.

7. State whether the claimant is/was entitled, during the period to which this claim relates, to any right restrictive of the use of any of the land referred to in item 5 for which he is/was entitled to compensation under section 31 (2) of the Act.

8. State whether the claimant is/was entitled, during the period to which this claim relates, to receive compensation, of the kind now claimed, in respect of the land referred to in item 6 but in relation to a different compulsory rights order. If so, give the full title of that order.

9. Give as full particulars as possible of any specific planning permission under a Town and Country Planning Act affecting the whole or part of the land described in item 6 and in force immediately before the period to which this claim relates.

10. State the amount of compensation claimed and give particulars of the way in which it is arrived at.

Signature of claimant .....
(or his duly authorised agent)

Date .....

Name and address of agent (if any) .....

NOTES

1. A provisional claim means a claim for compensation under the Act made provisionally in order to enable the Board to make quarterly payments under section 35 (2) (*a*) of the Act.

2. It is sufficient to insert "No change" against items 5 to 9 if the particulars required are unchanged since the last claim was made by the claimant in respect of the same land and the same compulsory rights order.

3. See section 32 (7) of the Act.

4. For the purposes of the Act a person entitled to a tenancy granted for 99 years or more, irrespective of the time it has still to run, is the "owner" of the land in certain cases (see sections 51 (2) and 52 (2) of the Act).

5. See section 32 (1) and (2) of the Act.

FORM 4

Form to be used for claims under paragraphs 4 and 5 of the Fifth Schedule to the Act

OPENCAST COAL ACT, 1958

CLAIM FOR ANNUAL AND INITIAL COMPENSATION
by
MINERAL OPERATOR

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. Give the period to which this claim relates.

4. State whether this is a provisional claim (see notes 1 and 2).

5. Give full particulars of the location and boundaries of the land comprised in the compulsory rights order over which the claimant had, immediately before the operative date of the order, a right to work minerals.

6. If the claimant was entitled to work minerals:

(*a*) by virtue of a mining lease or an order made under Part I of the Mines (Working Facilities and Support) Act, 1923, give full particulars of the lease or order;

(*b*) because he was the owner (see note 3) of the land or any stratum thereof, state whether he owned both the minerals and the surface or only the minerals and where appropriate give full particulars of any agreement with the surface owner which gave the claimant the rights in relation to the surface necessary to work the minerals.

7. Give a precise description of the mineral undertaking (see note 4) to which this claim relates.

8.—(*a*) Give the quantity and description of each mineral extracted by the mineral undertaking in each year of a five-year period which ended during the twelve months preceding the operative date of the compulsory rights order;

(*b*) Give a description and an estimate of the quantity of each mineral available to the undertaking at the beginning of the period to which this claim relates.

9. Indicate on a plan (or plans) and by reference to such sections as may be necessary:

(*a*) the extent to which each mineral was worked in the past, showing separately the areas worked in each year of a five-year period which ended during the twelve months immediately preceding the operative date of the compulsory rights order;

(*b*) the extent to which workable minerals would have been available to the mineral undertaking at the beginning of the period to which this claim relates if the compulsory rights order had not been made;

(*c*) the extent to which and the manner in which each mineral available to the mineral undertaking would have been worked, during the period to which this claim relates, if the compulsory rights order had not been made;

(*d*) if, by reason of the compulsory rights order, the minerals were/are not being worked as in (*c*) above, the extent to which and the manner in which each mineral (referred to in item 8 (*b*)) was/is being worked in the period to which the claim relates.

10. Give as full particulars as possible of any specific planning permission under a Town and Country Planning Act, and of any refusal to grant such a permission, affecting any of the "relevant rights and facilities" (see note 5) during the period to which this claim relates.

11. Give a precise description of the "relevant rights and facilities" (see note 5), other than rights to work minerals, available to the claimant during the period to which this claim relates.

12. If an amount is claimed as initial compensation and it includes expenses incurred in procuring the cancellation or modification of a contract, give particulars of the contract.

13. State separately:—

(*a*) the amount claimed as annual compensation under paragraph 4 of the Fifth Schedule to the Act, and

(*b*) the amount claimed as initial compensation under paragraph 5 of the Fifth Schedule to the Act (see note 6),

and give particulars of the way in which the amounts are arrived at.

Signature of claimant .....
(or his duly authorised agent)

Date .....

Name and address of agent (if any) .....

NOTES

1. A provisional claim means a claim for compensation under the Act made provisionally in order to enable the Board to make quarterly payments under section 35 (2) (*a*) of the Act.

2. Where the particulars required by items 6 to 12 are unchanged since the last preceding claim by the claimant in respect of the same compulsory rights order, it is sufficient to insert "No change".

3. For the purposes of the Act a person who has a tenancy which was granted for 99 years or more, irrespective of the time it has still to run, is treated as the owner of the land in certain cases (see sections 51 (2) and 52 (2) of the Act).

4. See paragraph 1 (2) of the Fifth Schedule to the Act.

5. See paragraph 1 (3) of the Fifth Schedule to the Act.

6. Only applicable to claims relating to the year beginning with the operative date of a compulsory rights order.

FORM 5

Form to be used for claims under paragraph 12 of the Fifth Schedule to the Act

OPENCAST COAL ACT, 1958

CLAIM FOR ANNUAL COMPENSATION

by

OWNER OF MINERAL LAND WHO IS NOT THE MINERAL OPERATOR

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. Give the period to which this claim relates.

4. State whether this is a provisional claim (see notes 1 and 2).

5. Give full particulars of the location and boundaries of the land which was comprised in the compulsory rights order and to which this claim relates (see note 3).

6. Give the name and address of the " mineral operator " (see note 4) entitled to work that land immediately before the operative date of the compulsory rights order.

7. State whether the claimant is/was the owner (see note 5) of the land described in item 5 during the period to which this claim relates. If not, state his interest.

8. State whether the claimant has/had, during the period covered by this claim, any interest in other land in which the mineral operator referred to in item 6 has/had a right to work minerals during that period. If so, give full particulars of the location and boundaries of that land.

9. Give as full particulars as possible of the terms on which the mineral operator referred to in item 6 is/was entitled (or, but for the compulsory rights order, would be/would have been entitled) to work minerals in:

(*a*) the land described in item 5;

(*b*) the land described in item 8;

during the period to which this claim relates.

10. State the amount of compensation claimed and give particulars of the way in which it is arrived at.

Signature of claimant.....

(or his duly authorised agent)

Date.....

Name and address of agent (if any).....

NOTES

1. A provisional claim means a claim for compensation under the Act made provisionally in order to enable the Board to make quarterly payments under section 35 (2) (*a*) of the Act.

2. It is sufficient to insert " No change " against items 5 to 9 if the particulars required are unchanged since the last claim was made by the claimant in respect of the same land and the same compulsory rights order.

3. See paragraph 11 of the Fifth Schedule to the Act.

4. See paragraph 1 (2) of the Fifth Schedule to the Act.

5. For the purposes of the Act, a person entitled to a tenancy granted for 99 years or more, irrespective of the time it has still to run, is the " owner " of the land in certain cases (see sections 51 (2) and 52 (2) of the Act).

FORM 6

Form to be used for claims under section 22 of the Act, or under that section as applied by section 29 of the Act

OPENCAST COAL ACT, 1958

CLAIM FOR TERMINAL COMPENSATION

in respect of

COST OF WORKS

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. Give full particulars of the location and boundaries of the land on which the work was carried out to which this claim relates.

4. State whether the claimant is the owner (see note) or the tenant of the land described in item 3. If neither, state his interest.

5. Give the following particulars in respect of each piece of work for which compensation is claimed:

(*a*) a description of the work;

(*b*) the date on which the work was completed;

(*c*) the date on which the claimant notified the National Coal Board of his intention to carry out the work and the address to which the notification was sent.

6. State the amount of compensation claimed in respect of each piece of work and give particulars of the way in which it is arrived at.

Signature of claimant.....

(or his duly authorised agent)

Date.....

Name and address of agent (if any).....

NOTE

For the purposes of the Act, a person entitled to a tenancy granted for 99 years or more, irrespective of the time it has still to run, is the "owner" of the land in certain cases (see sections 51 (2) and 52 (2) of the Act).

FORM 7

Form to be used for claims under section 23 of the Act, or under that section as applied by section 29 of the Act

OPENCAST COAL ACT, 1958

CLAIM FOR TERMINAL COMPENSATION

in respect of

DIMINUTION IN VALUE OF LAND

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. Give full particulars of the location and boundaries of the holding (see notes 1 and 2).

4. State whether, at the end of the National Coal Board's occupation of the land comprised in the compulsory rights order, the claimant was the owner (see note 3) of the holding. If not, state his interest.

5. Give as full particulars as possible of any of the following affecting the holding or any part of the holding at the end of the Board's occupation:

(*a*) a mortgage or heritable security; feu duty or ground annual;

(*b*) an easement, servitude or similar right (see note 4);

(*c*) a right restrictive of the use of land;

(*d*) a mining lease or order under the Mines (Working Facilities and Support) Act, 1923.

Include the name and address of the person entitled thereto.

6. State the amount claimed and give particulars of the way in which it is arrived at.

Signature of claimant.....

(or his duly authorised agent)

Date.....

Name and address of agent (if any).....

NOTES

1. The holding to be described under this item and referred to in succeeding items is the holding to which this claim relates. See sections 17 (2), 21 (2) and 29 (1) of the Act, and paragraphs 4 and 21 of the Sixth Schedule to the Act.

2. In the case of a holding in Scotland occupied by a landholder or a crofter, see section 52 (5) of the Act.

3. For the purposes of the Act, a person entitled to a tenancy granted for 99 years or more, irrespective of the time it has still to run, is the "owner" of the land in certain cases (see sections 51 (2) and 52 (2) of the Act).

4. See sections 51 (3) and 52 (2) of the Act.

FORM 8

Form to be used for claims under section 31 (3) *of the Act*

OPENCAST COAL ACT, 1958

CLAIM FOR TERMINAL COMPENSATION

in respect of

EASEMENTS, SERVITUDES AND OTHER SIMILAR RIGHTS

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. Give a precise description of the easement, servitude or other right (see notes 1 and 2) to which this claim relates and include particulars of the land over which it subsists (i.e. the servient tenement) and the way in which it was created or arose (e.g. by grant, prescription, covenant).

4. Give full particulars of the location and boundaries of the land (if any) to which the easement, servitude or other right is attached (i.e. the dominant tenement).

5. State whether the claimant was the owner (see note 3) of the dominant tenement or otherwise entitled to the right at the end of the National Coal Board's occupation of the land comprised in the compulsory rights order. If neither, state the claimant's interest.

6. Give as full particulars as possible of any of the following affecting the dominant tenement at the end of the Board's occupation of the land comprised in the compulsory rights order:

(*a*) a mortgage or heritable security;

(*b*) an easement, servitude or similar right;

(*c*) a right restrictive of the use of the land;

(*d*) a mining lease or order under the Mines (Working Facilities and Support) Act, 1923.

Include the name and address of the person entitled thereto.

7. State the amount of compensation claimed in respect of the easement, servitude or other right and give particulars of the way in which it is arrived at.

Signature of claimant.....
(or his duly authorised agent)

Date.....

Name and address of agent (if any).....

NOTES

1. The subject of this claim may be an easement, servitude, similar right (see sections 51 (3) and 52 (2) of the Act) or right restrictive of the use of land. If a right of common gives rise to a claim, the claim should be made on this form.

2. If this form is used to claim compensation in respect of more than one easement, servitude or other right, the answers to items 5 to 7 should deal separately with each.

3. For the purposes of the Act a person entitled to a tenancy granted for 99 years or more, irrespective of the time it has still to run, is the "owner" in certain cases (see sections 51 (2) and 52 (2) of the Act).

FORM 9

Form to be used for claims under section 52 (7) of the Act

OPENCAST COAL ACT, 1958

CLAIM FOR TERMINAL COMPENSATION
in respect of
FEU DUTY OR GROUND ANNUAL

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. Give full particulars of the location and boundaries of the land which is subject to the feu duty or ground annual in respect of which the claim is made.

4. State whether the claimant is the superior entitled to the feu duty or the creditor in the ground annual. If neither, state his interest.

5. Give the name and address of the person who is the owner of the dominium utile of the land.

6. State whether the feu duty or ground annual is subject to a heritable security, and, if so, give particulars of the heritable security including the name and address of the heritable creditor.

7. Give the reasons why the claimant considers that it is unlikely that works of restoration will be carried out within a reasonable period so as to make good the amount by which the amount of the feu duty or ground annual is claimed to have exceeded the annual value (see note) of the land at the end of the National Coal Board's occupation.

8. State the amount of compensation claimed and give particulars of the way in which it is arrived at.

Signature of claimant.....
(or his duly authorised agent)

Date.....

Name and address of agent (if any).....

NOTE

See section 52 (8) of the Act.

FORM 10

Form to be used for claims under section 32 (4) of the Act

OPENCAST COAL ACT, 1958

CLAIM FOR TERMINAL COMPENSATION

in respect of

DEPRECIATION OF LAND IN THE SAME OWNERSHIP

as land comprised in a compulsory rights order

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. As regards the "owner's land comprised in the order" (see note 1):

(*a*) give full particulars of the location and boundaries of the land;

(*b*) state whether the claimant was the owner (see note 2) immediately before the operative date of the compulsory rights order, and if not, give the name and address of the person who was then the owner.

4. As regards the land in respect of which the claim is made (see note 3):

(*a*) give full particulars of the location and boundaries of the land;

(*b*) state whether the claimant was the owner (see note 2) immediately before the operative date of the compulsory rights order, and if not, give the name and address of the person who was then the owner;

(*c*) state whether the claimant was the owner (see note 2) at the end of the National Coal Board's occupation of the land referred to in item 3, and if not, state his interest;

(*d*) give full particulars of all incumbrances (e.g. mortgages, heritable securities, easements, servitudes, restrictive covenants, tenancies) (see note 4), to which the land was subject at the end of the National Coal Board's occupation of the land referred to in item 3.

5. State whether the claimant is or has been entitled to any compensation under section 32 of the Act for depreciation of the land referred to in item 4 in relation to a different compulsory rights order. If so, give the title of that order.

6. State the amount of compensation claimed and give particulars of the way in which it is arrived at.

Signature of claimant.....

(or his duly authorised agent)

Date.....

Name and address of agent (if any).....

NOTES

1. See section 32 (7) of the Act.

2. For the purposes of the Act a person who has a tenancy which was granted for 99 years or more, irrespective of the time it has still to run, is the "owner" of the land in certain cases (see sections 51 (2) and 52 (2) of the Act).

3. See section 32 (1) of the Act.

4. Incumbrance is by section 51 (1) of the Act to be interpreted as including, in relation to any land, any interest in or right over that land (including any such right inuring for the benefit of the public or any section thereof).

FORM 11

Form to be used for claims under paragraphs 8 and 10 of the Fifth Schedule to the Act

OPENCAST COAL ACT, 1958

CLAIM FOR TERMINAL COMPENSATION

by

MINERAL OPERATOR

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. Give full particulars of the location and boundaries of the land which was comprised in the compulsory rights order and to which this claim relates.

4. Give full particulars of the "relevant rights and facilities" (see note 1) available to the mineral undertaking to which this claim relates, at all times from the operative date of the compulsory rights order to the end of the National Coal Board's occupation of the land comprised in that order.

5. State whether the claimant's interest in any of the land referred to in item 3 was subject to a mortgage or heritable security at the end of the National Coal Board's occupation of the land comprised in the compulsory rights order. If so, give particulars of the mortgage or heritable security including the name and address of the mortgagee or heritable creditor.

6. Give as full particulars as possible of any specific planning permission under a Town and Country Planning Act, or refusal to grant such a permission, which affected any land included in the "relevant rights and facilities" at the end of the National Coal Board's occupation of the land comprised in the compulsory rights order.

7. State the amount of compensation claimed

(*a*) for altered expectation of profit (see note 2);

(*b*) for altered rent liabilities (see note 3),

and give particulars of the way in which each is arrived at.

Signature of claimant.....

(or his duly authorised agent)

Date.....

Name and address of agent (if any).....

NOTES

1. See paragraph 1 (3) of the Fifth Schedule to the Act.

2. See paragraph 8 of the Fifth Schedule to the Act.

3. See paragraph 10 of the Fifth Schedule to the Act.

FORM 12

Form to be used for claims under paragraph 13 of the Fifth Schedule to the Act

OPENCAST COAL ACT, 1958

CLAIM FOR TERMINAL COMPENSATION

by

OWNER OF MINERAL LAND WHO IS NOT THE MINERAL OPERATOR

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. Give full particulars of the location and boundaries of the land which was comprised in the compulsory rights order and to which this claim relates.

4. State whether, at the end of the National Coal Board's occupation of the land comprised in the compulsory rights order, the claimant was the owner (see note 1) of the land. If different strata of the land were owned by different persons give as full particulars as possible of the interest of each person.

5. If a person other than an owner (see note 1) had an interest in the land, (e.g. as tenant, mortgagee, heritable creditor), give as full particulars as possible of that interest, including the name and address of the person concerned.

6. Give as full particulars as possible of the terms on which the mineral operator (see note 2) was entitled during the period of the National Coal Board's occupation to work minerals in the land comprised in the compulsory rights order.

7. Give as full particulars as possible of any specific planning permissions under a Town and Country Planning Act which affected the land at the end of the National Coal Board's occupation of it.

8. State the amount of compensation claimed and give particulars of the way in which it is arrived at.

Signature of claimant.....
(or his duly authorised agent)

Date.....

Name and address of agent (if any).....

NOTES

1. For the purposes of the Act a person entitled to a tenancy granted for 99 years or more, irespective of the time it has still to run, is the "owner" of the land in certain cases (see sections 51 (2) and 52 (2) of the Act).

2. See paragraph 1 (2) of the Fifth Schedule to the Act.

FORM 13

Form to be used for claims under section 26 of the Act, or under that section as applied by section 28 of the Act

OPENCAST COAL ACT, 1958

CLAIM FOR COMPENSATION
in respect of
SHORT-TERM IMPROVEMENTS AND RELATED MATTERS

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. Give full particulars of the location and boundaries of the land to which this claim relates.

4. State whether the claimant is the owner (see note) or the tenant of the land. If neither, state the claimant's interest.

5. State whether the claimant's interest in the land is subject to a mortgage or heritable security, and if so, give full particulars of the mortgage or heritable security, including the name and address of the mortgagee or heritable creditor.

6. State the amount claimed and give particulars of the way in which it is arrived at.

Signature of claimant.....
(or his duly authorised agent)

Date.....

Name and address of agent (if any).....

NOTE

For the purposes of the Act, a person entitled to a tenancy granted for 99 years or more, irrespective of the time it has still to run, is the "owner" of the land in certain cases (see sections 51 (2) and 52 (2) of the Act).

FORM 14

Form to be used for claims under section 27 of the Act, or under that section as applied by section 29 (2) of the Act, or under paragraph 6 of the Fifth Schedule or paragraph 5 of the Eighth Schedule to the Act.

OPENCAST COAL ACT, 1958

CLAIM FOR COMPENSATION

in respect of

FORCED SALES

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. For each piece of property sold give:

(*a*) a description of the property;

(*b*) the date of sale;

(*c*) the date on which advance notice of the sale was given to the National Coal Board and the address to which that notice was sent;

(*d*) the method of sale (by auction or otherwise);

(*e*) if the sale was by auction, the place where the auction was held;

(*f*) if the sale was not by auction, the name and address of the purchaser.

4. State the amount of compensation claimed in respect of each piece of property and give particulars of the way in which it is arrived at.

Signature of claimant.....

(or his duly authorised agent)

Date.....

Name and address of agent (if any).....

FORM 15

Form to be used for claims under section 39 (7) of the Act

OPENCAST COAL ACT, 1958

CLAIM FOR COMPENSATION

in respect of

PROSPECTING

and the exercise of other powers under section 39 of the Act

1. Give the claimant's full name and address.

2. Give the location and boundaries of the land entered by the National Coal Board to which this claim relates.

3. If compensation is claimed for damage to the land, or disturbance of the claimant's enjoyment of the land:

(*a*) state the claimant's interest in the land;

(*b*) if another person has an interest in the land (e.g. as owner, occupier, mortgagee, heritable creditor) give as full particulars as possible, including the name and address of that person;

(*c*) give full particulars of any previous claim known to the claimant to have been made in respect of the same land under the Compensation (Defence) Act, 1939, or section 39 (7) of the Opencast Coal Act, 1958.

4. If compensation is claimed in respect of chattels or corporeal moveables, give:

(*a*) a precise description of each chattel or corporeal moveable;

(*b*) the nature of the claimant's interest in each chattel or corporeal moveable;

(*c*) as full particulars as possible of any other person's interest in each chattel or corporeal moveable (e.g. under a bill of sale or hire purchase agreement).

5. State separately:

(*a*) the amount of compensation claimed in respect of the land;

(*b*) the amount of compensation claimed in respect of each chattel or corporeal moveable;

and give particulars of the way in which these amounts are arrived at.

Signature of claimant.....

(or his duly authorised agent)

Date.....

Name and address of agent (if any).....

FORM 16

Form to be used for claims under paragraph 3 of the Eighth Schedule to the Act

OPENCAST COAL ACT, 1958

CLAIM FOR COMPENSATION
by
TENANT OF ALLOTMENT OR ALLOTMENT GARDEN

1. Give the claimant's full name and address.

2. Give the full title of the compulsory rights order to which this claim relates.

3. Give full particulars of the location and boundaries of the allotment or allotment garden to which this claim relates.

4. State:

(*a*) the rent payable for the allotment or allotment garden immediately before the compulsory rights order was made;

(*b*) the name and address of the person to whom the rent was payable.

5. Describe any improvements (e.g. buildings, sheds, fruit trees and fruit bushes) made or paid for by the claimant which were not removed before the National Coal Board entered the land comprised in the compulsory rights order.

6. State the amount of compensation claimed and give particulars of the way in which it is arrived at.

Signature of claimant.....

(or his duly authorised agent)

Date.....

Name and address of agent (if any).....

SECOND SCHEDULE

1. Reg. 4

The provision of the Act under which the claim is made	The time within which the claim must be made
Section seventeen; section seventeen as applied by section twenty-nine; subsection (2) of section thirty-one; subsection (2) of section thirty-two; or paragraph 4, paragraph 5 or paragraph 12 of the Fifth Schedule.	(1) In the case of a provisional claim, three months after the beginning of the year for which the claim is made; (2) In any other case, three months after the end of the year for which the claim is made.
Section twenty-two; or section twenty-two as applied by section twenty-nine.	Four months after the completion of the work in respect of which the claim is made.
Section twenty-three; section twenty-three as applied by section twenty-nine; subsection (3) of section thirty-one; subsection (4) of section thirty-two; subsection (7) of section fifty-two; or paragraph 8, paragraph 10 or paragraph 13 of the Fifth Schedule.	Six months after the end of the period of occupation.
Section twenty-six; or section twenty-six as extended by section twenty-eight.	Three months after the date of entry.
Section twenty-seven; section twenty-seven as applied by section twenty-nine; paragraph 6 of the Fifth Schedule; or paragraph 5 of the Eighth Schedule.	Two months after the effective date of the sale in respect of which the claim is made.
Paragraph 3 of the Eighth Schedule	Two months after the date of entry.
Paragraph 32 of the Tenth Schedule	(1) Where the claim is made for annual compensation— (*a*) in the case of a provisional claim, three months after the beginning of the year for which the claim is made; (*b*) in any other case, three months after the end of the year for which the claim is made. (2) Where the claim is made for terminal compensation, six months after the terminal date.

2. In the application of this Schedule to a claim in relation to—

(*a*) any land of which, after the commencement of the Act, possession was taken in the exercise of emergency powers for the purposes of working

coal on that land, or on land contiguous therewith, by opencast operations, any reference in this Schedule to the date of entry shall be construed as a reference to the date of the coming into operation of these regulations; and

(*b*) any such land as is mentioned in paragraph (*a*) or paragraph (*b*) of the proviso to paragraph (1) of regulation three, any reference in this Schedule to the end of the period of occupation shall be construed as a reference to the date which, in relation to that land, is the terminal date.

3. Where, in relation to any claim, the period specified in this Schedule as the time within which such a claim shall be made would, apart from this paragraph, have begun before the coming into operation of these regulations, the time within which that claim shall be made shall be a period of the like duration, but beginning with the date of the coming into operation of these regulations.

THIRD SCHEDULE

1.

Reg. 5

The provision of the Act under which the claim is made	Supporting evidence to be provided by the claimant if required by the Board
Section nineteen, or section nineteen as applied by section twenty-nine.	All books, accounts and documents in the possession or control of the claimant relating to— (*a*) the use of the holding for each financial year which ended during the period of four years immediately preceding the operative date of the compulsory rights order, or during such other period as may be agreed or determined under paragraph 7 of the Sixth Schedule to the Act; (*b*) the use of such part (if any) of the holding as is not comprised in the compulsory rights order for the financial year which ended during— (i) in the case of a provisional claim, the year immediately preceding the year for which the claim is made; (ii) in any other case, the year for which the claim is made.
Section twenty-two, or section twenty-two as applied by section twenty-nine.	All receipts or other vouchers for the expenses incurred in carrying out the work in respect of which the claim is made.
Paragraph 4 of the Fifth Schedule.	All books, accounts and documents in the possession or control of the claimant relating to the operations of the relevant undertaking for— (*a*) each financial year which ended during the period of

The provision of the Act under which the claim is made	Supporting evidence to be provided by the claimant if required by the Board
	four years immediately preceding the operative date of the compulsory rights order; and (*b*) the financial year which ended during— (i) in the case of a provisional claim, the year immediately preceding the year for which the claim is made; (ii) in any other case, the year for which the claim is made.
Paragraph 8 or paragraph 10 of the Fifth Schedule.	All books, accounts and documents in the possession or control of the claimant relating to the operations of the relevant undertaking for— (*a*) each financial year which ended during the period of four years immediately preceding the operative date of the compulsory rights order; and (*b*) each financial year which ended during the period of occupation.

2. In the application of this Schedule to a claim in respect of any such land as is mentioned in the proviso to paragraph (1) of regulation three, any reference in this Schedule to—

(*a*) the operative date of a compulsory rights order shall be construed as a reference to the date of requisition of the land in question;

(*b*) a holding shall be construed as a reference to the land which, in the circumstances specified in paragraph 22 of the Tenth Schedule to the Act, would have constituted the relevant holding;

(*c*) such part (if any) of a holding as is not comprised in a compulsory rights order shall be construed as a reference to such part (if any) of the holding as is not land falling within the said proviso;

(*d*) the period of occupation shall be construed as including a reference to the period during which the land in question was retained in the exercise of emergency powers for the purpose of working coal on that land, or on land contiguous therewith, by opencast operations, or for the purpose of restoring that land after it had been affected by the working of coal by such operations.

EXPLANATORY NOTE

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

These regulations prescribe the forms to be used when claiming compensation payable by the National Coal Board under the Opencast Coal Act, 1958. The forms set out the information which the claimant is required to furnish. The regulations also prescribe the time within which a claim must be made and the evidence which a claimant can be called upon to provide in support of his claim.