1987 No. 1915

COAL INDUSTRY

The Opencast Coal (Compulsory Rights and Rights of Way) (Forms) Regulations 1987

Made - - - -	*10th November 1987*
Laid before Parliament	*20th November 1987*
Coming into force	*11th December 1987*

The Secretary of State, in exercise of the powers conferred by sections 4, 15A(1), (5)(c) and (10) and 49(1) of the Opencast Coal Act 1958(**a**) ("the 1958 Act"), sections 7(2), 10(2), 11(1), 12, 15, 22 and 29 of the Acquisition of Land Act 1981(**b**) as applied by section 4(4A) of the 1958 Act(**c**) and paragraphs 2, 3, 6, 13 and 18 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(**d**) as applied by section 4(5) and (8) of, and Part I of Schedule 2 to, the 1958 Act(**e**), and now vested in him(**f**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:–

Citation and commencement

1.—(1) These Regulations may be cited as the Opencast Coal (Compulsory Rights and Rights of Way) (Forms) Regulations 1987.

(2) These Regulations shall come into force on 11th December 1987.

Interpretation

2. In these Regulations–

(a) "the 1958 Act" means the Opencast Coal Act 1958; and

(b) any reference to a numbered form includes a reference to a document in substantially the same form.

Prescribed forms: suspension of rights of way

3. Forms 1, 2 and 3 in Part I of the Schedule hereto are the prescribed forms for the purposes of subsections (1), (5)(c) and (10) respectively of section 15A of the 1958 Act.

Prescribed forms: compulsory rights orders

4. The forms set out in Part II of the Schedule hereto are hereby prescribed as follows:–

(a) in relation to England and Wales–

(i) forms 4 and 5 are the prescribed forms for the purposes of sections 10(2) and 11(1) respectively of the Acquisition of Land Act 1981;

(**a**) 1958 c. 69: section 15A is inserted by the Housing and Planning Act 1986 (c.63) and is set out in Schedule 8 to that Act as is a substituted form of section 15 of the 1958 Act.
(**b**) 1981 c. 67: see in particular the definition of "prescribed" in section 29(10).
(**c**) Section 4(4A) is inserted by paragraph 11(2) of Schedule 4 to the 1981 Act.
(**d**) 1947 c. 42.
(**e**) See in particular the definition of "prescribed" in paragraph 11 of Schedule 2.
(**f**) See the definition of "the Minister" in section 51 of the 1958 Act, S.I. 1969/1498 and 1970/1537.

(ii) form 6 (or in the case of a limited rights order, form 7) is the prescribed form for the purposes of section 12(**a**) of the said 1981 Act; and

(iii) forms 8 and 9 are the prescribed forms for the purposes of sections 15 and 22 respectively of the said 1981 Act;

(b) in relation to Scotland–

(i) forms 4 and 5 are the prescribed forms for the purposes of paragraphs 2 and 3(a) respectively of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(**b**);

(ii) form 6 (or, in the case of a limited rights order, form 7) is the prescribed form for the purposes of paragraph 3(b) of that Schedule; and

(iii) forms 8 and 9 are the prescribed forms for the purposes of paragraphs 6 and 13 respectively of that Schedule.

Prescribed particulars

5. The prescribed particulars for the purposes of section 15A(5)(c) of the 1958 Act are the particulars required to be included in a notice in form 2.

Revocation

6. The Opencast Coal (Authorisations and Compulsory Rights Orders) Regulations 1975(**c**) are hereby revoked; but any form prescribed by those regulations shall be deemed to be prescribed by these Regulations where an application or an order as the case may be has been made before the coming into force of these Regulations.

Nicholas Ridley
10th November 1987 — One of Her Majesty's Principal Secretaries of State

---

SCHEDULE

Note

The singular has been used throughout these forms: where the plural is required it should be used.

PART I

RIGHTS OF WAY

FORM 1 — Regulation 3

NEWSPAPER NOTICE OF AN APPLICATION FOR AN ORDER SUSPENDING A PUBLIC RIGHT OF WAY

OPENCAST COAL ACT 1958

.....RIGHT OF WAY APPLICATION 19... (*a*)

1. Notice is hereby given that the British Coal Corporation in connection with the working of coal by opencast operations propose to apply under section 15 of the Opencast Coal Act 1958 to the Secretary of State for an order suspending a non-vehicular right of way as described in the Schedule below (*b*).

2. Opencast planning permission for the working has been [applied for] [granted] (*c*).

(**a**) Section 12 in its relevant form is set out in section 29 of the said 1981 Act which also amends in relation to compulsory rights orders the relevant provisions of that Act.

(**b**) The provisions of Schedule 1 to the said 1947 Act are modified in their relation to compulsory rights orders by Part I of Schedule 2 to the 1958 Act.

(**c**) S.I. 1975/2054.

3. A copy of the application and of a map showing the right of way can be inspected at (*d*) between the hours of and (*e*) from to (*f*).

4. [An alternative right of way for use by the public during the period for which the order will be in force will be made available as described in the Schedule below.] [No alternative right of way is to be made available.] (*c*)

5. Written objections, stating the grounds on which objections are made, may be sent by any person to the Secretary of State before (*g*) at (*h*). If the [district council or county council] [local authority] (*i*) in whose area any part of the right of way lies objects and do not withdraw their objection the Secretary of State must arrange a public inquiry; if any other person objects and does not withdraw his objection he may arrange a public inquiry if he thinks fit.

SCHEDULE

[PART 1] (*j*)

RIGHT OF WAY TO BE SUSPENDED (*b*)

[PART 2

ALTERNATIVE RIGHT OF WAY] (*b*) (*j*)

Dated.....

[Signature of] an officer authorised by the British Coal Corporation.

Notes

(*a*) Insert an appropriate name relating to the location of the right of way.

(*b*) Give sufficient description for the route of the right of way to be identified without reference to a map.

(*c*) Use whichever version reflects the position.

(*d*) The Act requires the place to be "in the locality": it should therefore be within easy reach of people living near the right of way.

(*e*) Insert reasonable hours during the day.

(*f*) The dates between which the documents may be inspected should be inserted: it is desirable that the period given should not expire before the end of the period for making objections.

(*g*) Insert appropriate date: the minimum period is 28 days (i.e. clear days) from the date of the last newspaper notice, whether in the local newspaper or the appropriate Gazette.

(*h*) Insert address.

(*i*) Use the first version if the right of way is in England or Wales omitting reference to a county council if the right of way is wholly within a metropolitan county: the second if it is in Scotland.

(*j*) Omit where no alternative right of way is to be made available.

FORM 2 Regulations 3 and 5

NOTICE OF AN APPLICATION FOR AN ORDER SUSPENDING A PUBLIC RIGHT OF WAY TO BE AFFIXED TO A CONSPICUOUS OBJECT AT EITHER END OF RIGHT OF WAY

OPENCAST COAL ACT 1958

.....RIGHT OF WAY APPLICATION 19... (*a*)

1. Notice is hereby given that the British Coal Corporation in connection with the working of coal by opencast operations propose to apply under section 15 of the Opencast Coal Act 1958 to the Secretary of State for an order suspending a non-vehicular right of way as described in the Schedule below (*b*).

2. Opencast planning permission for the working has been [applied for] [granted] (*c*).

3. A copy of the application and of a map showing the right of way can be inspected at (*d*) between the hours of and (*e*) from to (*f*).

4. [An alternative right of way for use by the public during the period for which the order will be in force has been made available as described in the Schedule below.] [No alternative right of way is to be made available.] (*c*)

5. Written objections, stating the grounds on which objections are made, may be sent by any person to the Secretary of State before (*g*) at (*h*). If the [district council or county council] [local authority] (*i*) in whose area any part of the right of way lies objects and does not withdraw their objection the Secretary of State must arrange a public inquiry; if any other person objects and does not withdraw his objection he may arrange a public inquiry if he thinks fit.

SCHEDULE

[PART 1] (*j*)

RIGHT OF WAY TO BE SUSPENDED (*b*)

[PART 2

ALTERNATIVE RIGHT OF WAY] (*b*) (*j*)

Dated..... [Signature of] an officer authorised by the British Coal Corporation.

Notes

(*a*) Insert an appropriate name relating to the location of the right of way.

(*b*) Give sufficient description for the route of the right of way to be identified without reference to a map.

(*c*) Use whichever version reflects the position.

(*d*) The Act requires the place to be "in the locality": it should therefore be within easy reach of people living near the right of way.

(*e*) Insert reasonable hours during the day.

(*f*) The dates between which the documents may be inspected should be inserted: it is desirable that the period given should not expire before the end of the period for making objections.

(*g*) Insert appropriate date: the minimum period is 28 days (i.e. clear days) from the date of the last newspaper notice, whether in the local newspaper or the appropriate Gazette.

(*h*) Insert address.

(*i*) Use the first version if the right of way is in England or Wales omitting reference to a county council if the right of way is wholly within a metropolitan county: the second if it is in Scotland.

(*j*) Omit where no alternative right of way is to be made available.

FORM 3 Regulation 3

NOTICE OF MAKING OF AN ORDER SUSPENDING A RIGHT OR WAY

OPENCAST COAL ACT 1958

.....ORDER 19... (*a*)

1. Notice is given that on (*b*) the Secretary of State in the exercise of his powers under section 15 of the Opencast Coal Act 1958, on the application of the British Coal Corporation, made the (*a*) Order 19 suspending the right of way described below.

2. The order will come into operation on (*c*) and will suspend the right of way until the Secretary of State revokes the order.

[2A. An alternative right of way will be provided as described below.] (*d*)

3. A copy of the order and of the map to which it refers may be inspected at (*e*) between the hours of and (*f*) from to (*g*).

SUSPENDED RIGHT OF WAY (*h*)

[ALTERNATIVE RIGHT OF WAY] (*d*)

Dated.....

[Signature of] an officer authorised by the British Coal Corporation.

Notes

(*a*) Insert title of order as made.

(*b*) Give date on which the order was made.

(*c*) Give the date specified in the order.

(*d*) There is no obligation to include this paragraph but it may be included at the option of the British Coal Corporation.

(*e*) The place must be "in the locality": it should therefore be within easy reach of people living near the right of way.

(*f*) Insert reasonable hours during the day.

(*g*) The dates between which the order may be inspected should be inserted: they should allow a reasonable period for inspection, which period ought not to expire before the operative date of the order.

(*h*) Give sufficient description for the route of the right of way to be identified without reference to a map. The description need not be as detailed as on the application.

PART II
COMPULSORY RIGHTS ORDERS

FORM 4 Regulation 4

.....COMPULSORY RIGHTS ORDER 19... (*a*)

The British Coal Corporation in exercise of their powers under section 4 [and 8(1)] (*b*) [and 15(6)(d)] (*c*) of the Opencast Coal Act 1958 hereby make the following Order:–

1. The British Coal Corporation, for the purpose of facilitating the working of coal by opencast operations, compulsorily acquire with effect from the date of entry specified in accordance with section 5(2) of the Opencast Coal Act 1958 temporary rights [of occupation] (*d*) and use of the land specified in [the] Schedule [1] hereto and delineated and shown (*e*) on the map prepared in duplicate, signed by a duly authorised officer of the Corporation and marked "Map referred to in the (*a*) Compulsory Rights Order 19 ".

2. This Order shall have effect from the date on which it becomes operative for a period of (*f*) years.

3. Opencast planning permission [has been applied for] [has been granted] [is deemed to have been granted] (*g*), at the time of making this Order.

4. The [permission] [application for permission] (*g*) relates to land [to which this Order relates (*h*)] [which is contiguous to the land to which this Order relates (*i*)] [which is both land to which this Order relates and land which is contiguous to the land over which an alternative right of way is to be provided (*j*)].

[**5.** This Order is limited to the acquisition of the rights specified in Schedule 2 hereto.] (*b*)

[**6.** The land which is described in Schedule [2] [3] (*g*) hereto and shown (*e*) on the map referred to in article 1 of this Order 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 Schedule 1 as forms part of [a common] [an open space] [a fuel or field garden allotment].] (*k*)

[**7.** This Order includes land falling within special categories to which [Part III of the Acquisition of Land Act 1981 as applied by section 4(4A)] [Part III of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as applied by section 4(5) and (8)] of the Opencast Coal Act 1958 applies, namely–

..... Number on map ..... Description.] (*l*)

[**8.** This Order includes land to which section 9(4) of the Opencast Coal Act 1958 applies (land formerly requisitioned under emergency powers), namely–

..... Number on map ..... Description.] (*m*)

9. This Order may be cited as the (*n*) Compulsory Rights Order 19 .

Dated.....

[Signature of] an officer authorised by the British Coal Corporation.

SCHEDULE [1]

Numbers on map	*Description (extent, situation, category)*	*Owners or reputed owners*	*Lessees or reputed lessees*	*Occupiers and other persons directly concerned*
(1)	*(2)*	*(3)*	*(4)*	*(5)*
(*o*)	(*p*)			(*q*)

[SCHEDULE 2
RIGHTS ACQUIRED] (*r*)

[SCHEDULE [2] [3]
EXCHANGE LAND] (*s*)

Notes

(*a*) Insert an appropriate name relating to the location of the land to be acquired.

(*b*) Omit except for a limited rights order.

(*c*) Omit except where the order is used to provide a right of way on land contiguous to the land for which opencast planning permission has been or will be granted.

(*d*) Omit if the order is only to provide a right of way.

(*e*) Refer to the colour or other marking used on the map to identify the land.

(*f*) Give the period not exceeding 20 years.

(*g*) Use the option which reflects the position.

(*h*) Use this option where the deletions have been made under both notes (*b*) and (*c*) indicating that the order is not limited to certain rights and does not acquire rights to grant a right of way.

(*i*) Use only when the order is used solely to provide a right of way as in note (*c*).

(*j*) Use when the order is used to acquire land for mining and contiguous land to provide a right of way as in note (*c*).

(*k*) Use the article only where the order confers rights over land of a description mentioned in the article.

(*l*) Use this article when the order confers rights over land of a special category and insert the appropriate description of the category.

(*m*) Use where the order confers rights over requisitioned land.

(*n*) Insert the name of the order.

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

(*p*) The entry in this column should tell a reader roughly where the land is situated, but without reference to a map. A category should be mentioned where the land is of a description or category calling for the inclusion of article 6 or 7.

(*q*) The words "person directly concerned" are defined in section 5 of the 1958 Act. Anyone within that definition who does not fall to be named in column (3) or (4) should be named in this column.

(*r*) If the order is limited the Schedule should specify which of the rights set out in section 8 of the 1958 Act are conferred by the order.

(*s*) Insert a description of any land to be made available under article 6.

FORM 5 Regulation 4

NEWSPAPER NOTICE OF MAKING OF A COMPULSORY RIGHTS ORDER

OPENCAST COAL ACT 1958

.....COMPULSORY RIGHTS ORDER 19...(*a*)

1. Notice is hereby given that the British Coal Corporation, in exercise of their powers under section 4 [and 8(1)] (*b*) [and 15(6)(d)] (*b*) of the Opencast Coal Act 1958, have made the Compulsory Rights Order 19 (*a*).

2. The Corporation are about to submit the order to the Secretary of State for confirmation and if confirmed the order will confer on the Corporation temporary rights of [occupation and] (*c*) 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 to the interests and rights described below] (*b*) [The order [also] provides for an alternative right of way as described below on land contiguous to that to be used for mining for the effective period of the order] (*d*).

3. A copy of the order and of the accompanying map may be seen between the hours of and (*e*) from to (*f*) at (*g*). Objections giving the grounds for objection to the order may be made in writing by any person directly concerned to the Secretary of State at (*h*) before (*i*).

4. The order, as made, would have effect from its operative date for a period of (*j*) years.

DESCRIPTION OF LAND (*k*)

[RIGHTS AND INTERESTS] (*b*)

[ALTERNATIVE RIGHT OF WAY] (*d*)

Dated..... [Signature of] an officer authorised by the British Coal Corporation.

Notes

(*a*) Insert the name of the order.

(*b*) Omit if not included in the order.

(*c*) Omit if the order is only to provide a right of way.

(*d*) Omit unless the order is used to provide an alternative right of way. Omit "also" from paragraph 2 where the sole purpose is to provide the footpath.

(*e*) Insert reasonable hours during the day.

(*f*) Insert dates giving a reasonable time for inspection: it is desirable that the period given should not expire before the end of the period for making objections.

(*g*) The place must be in the locality: it should therefore be within easy reach of persons living near the site.

(*h*) Give address.

(*i*) The date should be not less than 21 days (i.e. clear days) from the date of the first newspaper notice: it is desirable that this date should tie in with the date given in the notice served on persons directly concerned.

(*j*) Give the period specified in the order.

(*k*) The description should identify and locate the parcel of land.

FORM 6 Regulation 4

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

OPENCAST COAL ACT 1958

NOTICE OF MAKING OF ..... COMPULSORY RIGHTS ORDER 19... (*a*)

Dear Sir/Madam,

You are informed that the British Coal Corporation have made the Compulsory Rights Order 19 (*a*) and are about to submit it to the Secretary of State for confirmation. The British Coal Corporation require the powers granted by the order in connection with the working of coal by opencast coal operations.

The effect of the order will be to give the British Coal Corporation rights [to grant a non-vehicular right of way to the public over] (*b*) [similar to those of a [freeholder] [person with dominium utile] (*c*) to enter and occupy] the land described below, in which you are believed to have an interest, [to the exclusion of other persons] (*d*) from the date of entry for the remainder of the period during which the order is effective and to carry out operations for extracting coal. The order will be effective for (*e*) years from the operative date which unless varied by the Secretary of State [or otherwise determined by section 6 of the Statutory Orders (Special Procedure) Act 1946] (*f*) will be the date when notice of confirmation is first published in a local newspaper in accordance with [section 15 of the Acquisition of Land Act 1981] [paragraph 6 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947] (*c*). The rights which the order confers on the Corporation are set out in section 5(4) and (5) of the Opencast Coal Act 1958 (reproduced below).

If you wish to object to the order you may do so by setting out your grounds for objection in writing and sending them to the Secretary of State at (*g*) before . (*h*)

DESCRIPTION OF LAND OVER WHICH RIGHTS ARE TO BE ACQUIRED (*i*)

Dated..... [Signature of] an officer authorised by the British Coal Corporation.

The text of section 5(4) and (5) of the 1958 Act to be printed here.

Notes

(*a*) Insert name of order.

(*b*) Use only where the order provides for an alternative right of way.

(*c*) Use the first alternative if the land is in England or Wales: the second if it is in Scotland.

(*d*) Use where the order acquires rights for actual occupation.

(*e*) Give the period stated in the order.

(*f*) Omit unless the order relates to land of a description mentioned in one of the variants of paragraph 2 in Form 9.

(*g*) Insert address.

(*h*) The date must not be less than 21 days (i.e. clear days) from the service of the notice: it is desirable that this date should tie in with the expiry date for objections given in the newspaper notice.

(*i*) The description should identify and locate the parcel of land.

FORM 7 Regulation 4

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

OPENCAST COAL ACT 1958

NOTICE OF MAKING OF ..... COMPULSORY RIGHTS ORDER 19... (*a*)

Dear Sir/Madam,

You are informed that the British Coal Corporation have made the Compulsory Rights Order 19 (*a*) and are about to submit it to the Secretary of State for confirmation. The British Coal Corporation require the powers granted by the order in connection with the working of coal by opencast coal operations.

The effect of the order will be to give the British Coal Corporation power to acquire and exercise the rights set out below over the land described below, in which you are believed to have an interest, from the date of entry for the remainder of the period during which the order is effective. The order will be effective for (*b*) years from the operative date which will be [when notice of its confirmation is published in a local newspaper] [or otherwise determined by section 6 of the Statutory Orders (Special Procedures) Act 1946]. (*c*).

If you wish to object to the order you may do so by setting out your grounds in writing and sending them to the Secretary of State at (*d*) before (*e*).

RIGHTS IN LAND TO BE ACQUIRED (*f*)

LAND OVER WHICH RIGHTS ARE TO BE ACQUIRED (*g*)

Dated.....

[Signature of] an officer authorised by the British Coal Corporation.

Notes

(*a*) Insert name of order.

(*b*) Give the period stated in the order.

(*c*) Use the first alternative unless the land is subject to special parliamentary procedure.

(*d*) Insert address.

(*e*) The date must not be less than 21 days (i.e. clear days) from the service of the notice: it is desirable that this date should tie in with the expiry date for objections given in the newspaper notice.

(*f*) Specify the actual rights.

(*g*) The description should identify and locate the parcel of land.

FORM 8 Regulation 4

NEWSPAPER NOTICE
AND NOTICE TO BE SERVED ON PERSONS
DIRECTLY CONCERNED OF CONFIRMATION
OF ORDER

OPENCAST COAL ACT 1958

NOTICE OF CONFIRMATION OF ..... COMPULSORY RIGHTS
ORDER 19... (*a*)

1. Notice is hereby given that the Compulsory Rights Order 19 (*a*) which was made by the British Coal Corporation in exercise of their powers under section 4 [and 8(1)] [and 15(6)(d)] (*b*) of the Opencast Coal Act 1958 has been confirmed [with modifications] (*c*) by the Secretary of State under [section 13 of the Acquisition of Land Act 1981] [paragraph 4 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947]. (*d*)

2. The order relates to land described below.

3. Copies of the order together with an accompanying map may be seen at (*e*) between and (*f*) from to (*g*).

[**4.** A person aggrieved by the order may, by application to the [High Court] [Court of Session] (*d*) within six weeks from [the date of this notice] (*h*), question its validity on either or both of the following grounds:

(*a*) that the rights granted to the British Coal Corporation by the order are not empowered to be granted;

(*b*) that a relevant statutory requirement has not been complied with.] (*i*)

[**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] (*d*) within six weeks from the operative date of the order, question its validity on either or both of the following grounds:

(*a*) that the rights granted to the British Coal Corporation by the order are not empowered to be granted:

(*b*) that a relevant statutory requirement has not been complied with.]

DESCRIPTION OF LAND TO WHICH THE ORDER RELATES (*j*)

Dated.....

[Signature of] an officer
authorised by the British
Coal Corporation.

Notes

(*a*) Insert name of order.

(*b*) Follow the form of the order.

(*c*) Omit if no modifications were made by the Secretary of State.

(*d*) Use the first alternative if the land is in England or Wales; the second if it is in Scotland.

(*e*) Ideally this should be the same place where deposits were made on making the order.

(*f*) Insert reasonable hours during the day.

(*g*) Insert a reasonable period.

(*h*) If not the first newspaper publication insert the date of the first publication.

(*i*) Use the first alternative paragraph 4 unless the land is subject to special parliamentary procedure.

(*j*) The description should identify and locate the parcel of land.

FORM 9 Regulation 4

NEWSPAPER NOTICE OF GIVING OF CERTIFICATE UNDER PART III OF THE ACQUISITION OF LAND ACT 1981 OR PART III OF SCHEDULE 1 TO THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

OPENCAST COAL ACT 1958

1. The Compulsory Rights Order 19 (*a*), which has been submitted by the British Coal Corporation to the Secretary of State for confirmation includes the land described in the Schedule below.

[**2.** (*b*) This land was acquired by (*c*) for the purposes of their undertaking and the Secretary of State is satisfied that [it is used] [an interest is held in it] (*d*) for the purposes of the carrying on of their undertaking and has certified pursuant to [section 16 of the Acquisition of Land Act 1981] [paragraph 10 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(*e*)] [that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking] [that if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking]] (*d*).

[**2.** This land [is] [forms part of] [a common] [an open space] [a fuel or field garden allotment] (*d*) and the Secretary of State has certified pursuant to [section 19 of the Acquisition of Land Act 1981] [paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947] (*e*) that other land (not less in area) and equally advantageous to any persons whose rights are affected and the public will be made available.]

[**2.** This land [is] [forms part of] [is the site of] (*d*) an ancient monument or other object of archaeological interest and the Secretary of State has certified pursuant to section 20 of the Acquisition of Land Act 1981 that the British Coal Corporation have entered into an undertaking with the Secretary of State to observe such conditions as to the use of the land as are in his opinion requisite having regard to the nature thereof.]

3. A map showing the land to which the certificate relates and any land proposed to be made available during the period for which the order is to have effect may be inspected at (*f*) between the hours of and (*g*) from to (*h*).

4. The certificate becomes operative on the date on which this notice is first published; but a person aggrieved may, by application to the [High Court] [Court of Session] (*e*) within six weeks from that date, question its validity on the grounds that a relevant statutory requirement has not been complied with.

SCHEDULE

LAND TO WHICH THE CERTIFICATE RELATES (*i*)

Dated .....

[Signature of] an officer authorised by the British Coal Corporation.

Notes

(*a*) Insert the name of the order.

(*b*) Use whichever form of paragraph 2 is appropriate.

(*c*) Name the statutory undertakers.

(*d*) Use whichever form of words is appropriate.

(*e*) Use the first alternative if the land is in England or Wales; the second if it is in Scotland.

(*f*) The place should be "in the locality": it should therefore be within easy reach of persons living in the area affected.

(*g*) Insert reasonable hours during the day.

(*h*) Insert a reasonable period: it is desirable that this should not expire before the end of the period for making an application to Court.

(*i*) Insert description of the land to which the certificates relates.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the forms of certain orders under the Opencast Coal Act 1958 and the forms of the notices and advertisements to be given in connection with making and confirming such orders. The orders in question are orders conferring compulsorily rights of temporary occupation on the British Coal Corporation to facilitate opencast working and orders temporarily suspending non-vehicular rights of way for the same purpose.

The Regulations replace the Opencast Coal (Authorisations and Compulsory Rights Orders) Regulations 1975. The new regulations reproduce with modifications those of the forms prescribed by the 1975 regulations which remain relevant following the amendment of the Opencast Coal Act 1958 by the Housing and Planning Act 1986. Transitional provision is made in Regulation 6 for the continued use of existing forms.