

Status: Point in time view as at 01/09/1995.

Changes to legislation: Agricultural Holdings Act 1986, Cross Heading: The Opencast Coal Act 1958 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 14

CONSEQUENTIAL AMENDMENTS

The Opencast Coal Act 1958

- [^{F1}25 (1) Section 14 of the ^{M1}Opencast Coal Act 1958 shall be amended as follows.
- (2) In subsection (2)—
- (a) for the words “Agricultural Holdings Act 1948” there shall be substituted the words “Agricultural Holdings Act 1986”, and
 - (b) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
- (3) In subsection (3) and (4) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
- (4) In subsection (5) for the words “Case B in section 2(3) of the Agricultural Holdings (Notices to Quit) Act 1977” there shall be substituted the words “Case B in Part I of Schedule 3 to the Agricultural Holdings Act 1986”; and that subsection shall continue to have effect with the substitution of the words “that Case” for the words “that paragraph” made by paragraph 3(3) of Schedule I to the ^{M2}Agricultural Holdings (Notices to Quit) Act 1977.
- (5) In subsection (6)—
- (a) for the words from “section 3” to “section 2” there shall be substituted the words “section 27 of the Agricultural Holdings Act 1986 (in which subsections (1) to (3) specify conditions for the giving of consent under section 26)”, and
 - (b) for the words “paragraph (e) of the said subsection (3)” there shall be substituted the words “paragraph (f) of the said subsection (3)”.
- (6) In subsection (7) for the words “section eight of the Act of 1948” there shall be substituted the words “section 12 of the Act of 1986”.
- (7) In subsection (8) for the words “section nine of the Act of 1948” there shall be substituted the words “section 13 of the Act of 1986”.

^{F2}(8)]

Textual Amendments

F1 Sch. 14 para. 25 repealed (E.W.) by [Housing and Planning Act 1986 \(c. 63, SIF 86, 123:1\)](#), s. 39(4), [Sch. 12 Pt. II](#)

F2 Sch. 14 para. 25(8) repealed (S.)(25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13 Pt. I](#) (with s. 45(3), Sch. 12 paras. 1,3)

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Marginal Citations

M1 1958 c. 69.

M2 1977 c. 12.

- 26 (1) Section 24 of that Act shall be amended as follows.
- (2) In subsection (1) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
- (3) In subsection (2) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
- (4) In subsection (3) for the words “Act of 1948”, in each place where they occur, there shall be substituted the words “Act of 1986”.
- (5) In subsection (5)—
- (a) for the words “section forty-four or section fifty-four of the Act of 1948” there shall be substituted the words “section 69(1) of the Act of 1986 or paragraph 5(1) of Part I of Schedule 9 to that Act”, and
 - (b) for the words “section forty-five or section fifty-five of the Act of 1948” there shall be substituted the words “section 69(2) or (3) of the Act of 1986 or paragraph 5(2) of Part I of Schedule 9 to that Act”.
- (6) In subsection (6)—
- (a) for the words “Act of 1948”, in both places where they occur, there shall be substituted the words “Act of 1986”, and
 - (b) for the words “subsection (3) of section seventy” there shall be substituted the words “section 83(4)”;
- and that subsection in its application to England and Wales shall continue to have effect with the substitution for each of the words “four” and “five” of the word “eight” made by paragraph 29 of Schedule 3 to the ^{M3}Agricultural Holdings Act 1984.
- (7) In subsection (7)—
- (a) for the words “Act of 1948”, in both places where they occur, there shall be substituted the words “Act of 1986” and
 - (b) for the words “section fifty-six” there shall be substituted the words “section 70”.
- (8) In subsection (8) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
- (9) In subsection (9) for the words “the Third Schedule to the Act of 1948” there shall be substituted the words “Schedule 7 to the Act of 1986”.
- (10) After subsection (9) there shall be inserted—
- “(9A) In this section the references to the Act of 1986 in subsections (1)(b), (7) and (8) and the second and fourth references to that Act in subsection (3) include references to the Agricultural Holdings Act 1948 (in this Act called the Act of 1948) and the reference to section 70 of the Act of 1986 in subsection (7) (b) includes a reference to section 56 of the Act of 1948.”
- [^{F3}(11) For subsection (10) there shall be substituted—
- “(10) In the application of this section to Scotland, for references—

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- (a) to the Act of 1986 and to sections 70 and 83(4) of that Act there shall be substituted respectively references to the Scottish Act of 1949 and to sections 56 and 68(3) of that Act,
- (b) to subsections (1), (2) and (3) of section 69 of the Act of 1986 there shall be substituted respectively references to sections 54, and subsections (1) and (2) of section 55 of the Scottish Act of 1949,
- (c) to Parts I and II of Schedule 7 to the Act of 1986 and to the first day of March 1948 there shall be substituted references to Parts I and II of Schedule 1 to the Scottish Act of 1949 and to the first day of November 1948, and
- (d) to sub-paragraphs (1) and (2) of paragraph 5 of Part I of Schedule 9 to the 1986 Act there shall be substituted respectively references to sections 45 and 46 of the Scottish Act of 1949.”]

Textual Amendments

F3 Sch. 14 para. 26(11) repealed (S.)(25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), **Sch. 13 Pt. I** (with s. 45(3), [Sch. 12 paras. 1, 3](#))

Marginal Citations

M3 1984 c. 41.

- 27 (1) Section 25 of that Act shall be amended as follows.
 - (2) In subsection (1)—
 - (a) for the words “section fifty-seven of the Act of 1948” there shall be substituted the words “section 71 of the Act of 1986”, and
 - (b) for the words “section fifty-eight” there shall be substituted the words “section 72”.
 - (3) In subsection (2) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
 - (4) After subsection (2) there shall be inserted—

“(2A) In this section references to the Act of 1986 and to sections 71 and 72 of that Act include respectively references to the Act of 1948 and to sections 57 and 58 of that Act”.
 - (5) In subsection (3) for the words from “Act of 1948” to “fifty-eight” there shall be substituted the words “Act of 1986 and to sections 71 and 72”.
- 28 (1) Section 26 of that Act shall be amended as follows.
 - (2) In subsection (3) for the words “Act of 1948” there shall be substituted the words “Act of 1986”.
 - (3) In subsection (5) for the words “section seventy-eight of the Act of 1948, the provisions of the Fourth Schedule” there shall be substituted the words “section 91 of the Act of 1986, the provisions of Schedule 8”.
 - (4) After subsection (5) there shall be inserted—

“(5A) the reference in subsection (3) of this section to the 1986 Act includes a reference to the 1948 Act”.

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- (5) In subsection (6)—
- (a) for the words “Act of 1948”, in the first place where they occur, there shall be substituted the words “ Act of 1986 ”, and
 - (b) for the words “section seventy-eight of the Act of 1948 and to the Fourth Schedule” there shall be substituted the words “ section 91 of the Act of 1986 and to Schedule 8 ”.
- 29 (1) Section 27 of that Act shall be amended as follows.
- (2) In subsection (1)(b) for the words “section thirteen of the Act of 1948” there shall be substituted the words “ section 10 of the Act of 1986 ”.
 - (3) In subsection (4) for the words “section thirteen of the Act of 1948” there shall be substituted the words “ section 10 of the Act of 1986 ”.
- 30 (1) Section 28 of that Act shall be amended as follows.
- (2) In subsection (3)—
 - (a) for the words “section sixty-seven of the Act of 1948” there shall be substituted the words “ subsections (2) to (5) of section 79 of the Act of 1986 ”, and
 - (b) for the words “subsection (1) of section sixty-eight” there shall be substituted the words “ subsection (2) of section 80 ”.
 - (3) In subsection (4)—
 - (a) for the words “section thirteen of the Act of 1948” there shall be substituted the words “ section 10 of the Act of 1986 ”, and
 - (b) for the words “paragraph (b) of subsection (1) of section sixty-seven of the Act of 1948” there shall be substituted the words “ subsection (3) of section 79 of the Act of 1986 ”.
 - (4) In subsection (5) for the words from “section seventy-eight” to “Fifth Schedule” there shall be substituted the words “ section 91 of the Act of 1986 the provisions of Schedule 10 ”.
 - (5) In subsection (6)—
 - (a) for the words “section sixty-seven of the Act of 1948 and to paragraph (b) of subsection (1)” there shall be substituted the words “ subsections (2) to (5) of section 79 of the Act of 1986 and subsection (3) of that section ”,
 - (b) for the words “subsection (1) of section sixty-eight of the Act of 1948 and to section thirteen” there shall be substituted the words “ subsection (2) of section 80 of the Act of 1986 and to section 10 ”, and
 - (c) for the words “section seventy-eight of the Act of 1948 and to the Fifth Schedule” there shall be substituted the words “ section 91 of the Act of 1986 and to Schedule 10 ”.
- 31 In section 51(1) of that Act—
- (a) after the definition of “the Acquisition of Land Act” there shall be inserted—

“‘the Act of 1986’ means the Agricultural Holdings Act 1986;”,
and
 - (b) in the definition of “agricultural holding” for the words “Act of 1948” there shall be substituted the words “ Act of 1986 ”.

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- 32 (1) Schedule 6 to that Act shall be amended as follows.
- (2) In paragraph 20(a) for the words from “made” to “year” there shall be substituted the words “ falling within section 2(3)(a) of the 1986 Act ”.
- (3) In paragraph 24—
- (a) for the words from “by the Minister” to “1948 (” there shall be substituted the words “ under section 2 of the Act of 1986 or of the Act of 1948 (each of”, and
- (b) for the words from “by the said Minister” to “of the section)” there shall be substituted the words “ under that section from the operation of that section) ”.
- (4) In paragraph 25 for the words from “by the Minister” to “section two” there shall be substituted the words “ under section 2 of the Act of 1986 or ”.
- (5) In paragraph 31 for the words from “for the letting” to “Secretary of State” there shall be substituted the words “ falling within section 2(3)(a) of the 1986 Act, to an agreement for the letting of land and to section 2 of the Act of 1986 there shall be substituted respectively references to a lease of land entered into in contemplation of the use of land only for grazing or mowing falling within the proviso to section 2(1) of the Scottish Act of 1949, to a lease ”.
- 33 (1) Schedule 7 to that Act shall be amended as follows.
- (2) In paragraph 1(2) for the words “Act of 1948” there shall be substituted the words “ Act of 1986 ”.
- (3) In paragraph 2—
- (a) for the words “Act of 1948”, in each place where they occur, there shall be substituted the words “ Act of 1986 ”, and
- (b) after sub-paragraph (3) there shall be inserted—
- “(3A) The references in sub-paragraph (1)(a) of this paragraph to the Act of 1986 include references to the Act of 1948”.
- (4) In paragraph 3—
- (a) in sub-paragraph (1) for the words “Act of 1948” there shall be substituted the words “ Act of 1986 ”, and
- (b) in sub-paragraph (2) for the words “section nine of the Act of 1948 in so far as the said section nine” there shall be substituted the words “ section 13 of the Act of 1986 in so far as the said section 13 ”.
- (5) In paragraph 4—
- (a) in sub-paragraph (2) for the words “Act of 1948” there shall be substituted the words “ Act of 1986 ”.
- (b) in sub-paragraph (4) for the words “Section seventy-seven of the Act of 1948” there shall be substituted the words “ Section 84 of the Act of 1986 ” and for the words “Act of 1948”, in the second place where they occur, there shall be substituted the words “ Act of 1986 ”,
- (c) in sub-paragraph (5) for the words “section eight or section nine of the Act of 1948” there shall be substituted the words “ section 12 or section 13 of the Act of 1986 ”, and
- (d) in sub-paragraph (6) for the words “section nine of the Act of 1948” there shall be substituted the words “ section 13 of the Act of 1986 ”.

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- (6) In paragraph 5—
- (a) in sub-paragraph (1) for the words “section thirteen of the Act of 1948” there shall be substituted the words “ section 10 of the Act of 1986 ”.
 - (b) in sub-paragraph (2) for the words “subsection (2)” there shall be substituted the words “ subsection (3) ”,
 - (c) in sub-paragraph (3) for the words “subsection (2)” there shall be substituted the words “ subsection (3) ” and for the words “subsection (3)” there shall be substituted the words “ subsection (4) ”, and
 - (d) in sub-paragraph (5) for the words “section thirteen of the Act of 1948” there shall be substituted the words “ section 10 of the Act of 1986 ” and for the words “paragraph (b) of subsection (1) of section sixty-seven” there shall be substituted the words “ subsection (3) of section 79 ”.
- (7) In paragraph 6(2) for the words “section seventeen of the Act of 1948” there shall be substituted the words “ section 23 of the Act of 1986 ”.
- [^{F4}(8) In paragraph 25, for sub-paragraph (a) there shall be substituted—
- “(a) for references—
 - (i) to the Act of 1986 and to sections 12, 13, 23 and 84 of that Act there shall be substituted respectively references to the Scottish Act of 1949 and to sections 7, 8, 18 and 75 of that Act,
 - (ii) to section 10 of the Act of 1986 and to subsections (3) and (4) of that section there shall be substituted respectively references to section 14 of the Scottish Act of 1949 and to subsections (2) and (3) of that section, and
 - (iii) to subsection (3) of section 79 of the Act of 1986 there shall be substituted references to paragraph (b) of subsection (1) of section 65 of the Scottish Act of 1949.”]

Textual Amendments

- F4** Sch. 14 para. 33(8) repealed (S.)(25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), **Sch. 13 Pt. I** (with s. 45(3), Sch. 12 paras. 1, 3)

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