



# Opencast Coal Act 1958

## CHAPTER 69

### OPENCAST COAL ACT 1958

#### PART I

##### AUTHORISATION OF, AND FACILITIES FOR, OPENCAST WORKING OF COAL

- 1 Authorisation of opencast working of coal.
- 2 Planning permission for authorised operations.
- 3 Preservation of amenity.
- 4 Compulsory rights orders.
- 5 Effect of opencast site orders.
- 6 .....
- 7 General limitations on effect of compulsory rights orders.
- 8 Limited compulsory rights orders.
- 9 Property exempt from inclusion in compulsory rights orders.
- 10 Provisions as to minerals other than coal, and as to timber, crops etc.
- 11 Registration of compulsory rights orders.
- 12 Removal and disposal of chattels from land comprised in compulsory rights order.
- 13 Apparatus of statutory undertakers and other bodies.
- 14 Provisions as to agricultural tenancies in England and Wales.
- 14A Provisions as to agricultural tenancies in Scotland.
- 14B Provisions as to farm business tenancies.
- 15 Suspension of certain public rights of way.
- 15A.— Suspension of public rights of way—supplementary.
- 16 Acquisition of rights for purposes of drainage or water supply.

#### PART II

##### COMPENSATION FOR COMPULSORY RIGHTS ORDERS

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958. (See end of Document for details)*

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*Compensation in respect of agricultural land*

- 17 General provisions as to annual compensation.
- 18 Calculation of compensation under section 17.
- 19 Compensation for Compulsory Rights Orders
- 20 Compensation for Compulsory Rights Orders
- 21 Terminal compensation.
- 22 Compensation by way of payment of cost of works.
- 23 Compensation by reference to the diminution in value of the holding.
- 23A Additional compensation on re-occupation.
- 24 Tenant's right to compensation for improvements and other matters.
- 25 Deductions from tenant's compensation.
- 25A Tenant's right to compensation for improvements etc.: farm business tenancies.
- 26 Compensation for short-term improvements and related matters.
- 27 Compensation in respect of forced sales.
- 28 Special provisions as to market gardens.

*Compensation in respect of non-agricultural land*

- 29 Annual and terminal compensation, and compensation in respect of forced sales.
- 30 Non-agricultural tenant's improvements.

*Compensation in respect of other matters*

- 31 Compensation in respect of easements and other rights.
- 31A Compensation in respect of disposable minerals.
- 32 Compensation for depreciation of other land in same ownership.
- 33 Compensation in respect of minerals.

*Supplementary provisions as to compensation*

- 34 Provisions as to compensation in special cases.
- 35 Time when compensation accrues due.
- 36 Record of condition of land.

**PART III**

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

- 37 Consequential adjustments between landlords and tenants and in respect of mortgages and mining leases and orders.
- 38 Protection from compulsory purchase of land occupied for authorised purposes.
- 39 Entry on land.
- 40 Claims for compensation payable by Corporation
- 41 Provisions as to allotment gardens and other allotments.
- 42 Special provisions as to property held for religious purposes.
- 43 Provisions as to mortgaged land and other special cases.
- 44 Crown land.
- 45 Provisions as to telegraphic lines.
- 46 Licence to work coal by opencast operations.
- 47 Provisions as to notices and public inquiries.
- 48 Transitional provisions.
- 49 Provisions as to regulations and orders.

*Status: Point in time view as at 01/04/2018.*

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- 50 Expenses.
- 51 Interpretation.
- 52 General application to Scotland.
- 53 Short title, commencement and extent.

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## SCHEDULES

### FIRST SCHEDULE —

- 1 The Minister shall not grant an authorisation under section one...
- 2 Every such application— (a) shall be in the prescribed form,...
- 3 (1) Every such application shall also include the prescribed information...
- 4 (1) Before submitting to the Minister an application for the...
- 5 (1) Where under the last preceding paragraph a notice is...
- 6 (1) In the case of any application under this Schedule...
- 7 (1) Subject to the last preceding paragraph, if no objection...
- 8 (1) As soon as may be after the authorisation has...
- 9 Part IV of the Acquisition of Land Act 1981 and...
- 10 For the purposes of the provisions of paragraph 4 of...
- 11 In the application of this Schedule to Scotland, for references...

### SECOND — Procedure relating to compulsory rights orders SCHEDULE

#### Part I

##### *Making, confirmation, validity and date of operation of orders*

- 1 (1) Subject to the following provisions of this Part of...
- 2 Paragraph 1 of that Schedule (which relates to the general...
- 3 (1) Paragraph 3 of that Schedule shall apply with the...
- 4 Paragraph 4 of the said First Schedule shall apply as...
- 5 (1) Except where the Minister is proceeding concurrently with respect...
- 6 Paragraph 10 of the said First Schedule shall apply as...
- 7 In paragraph 11 of the said First Schedule (which relates...
- 8 Paragraph 13 of the said First Schedule shall apply with...
- 9 In Paragraph 15 of the said First Schedule, the first...
- 10 Paragraph 16 of the said First Schedule shall apply subject...
- 11 In the application of the said First Schedule to compulsory...
- 12 .....

#### Part II

##### *Notification of date of entry*

- 13 (1) The provisions of this paragraph shall have effect as...
- 14 (1) If, after the first publication of a notice in...
- 15 Subject to the last preceding paragraph, and without prejudice to...
- 16 In this Part of this Schedule “the relevant requirements” means...
- 17 In the application of this Part of this Schedule to...

### THIRD SCHEDULE — Provisions as to compensation by way of payment of cost of works

- 1 In this Schedule— “compensation” means compensation under section twenty-two of...

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- 2 (1) The final operator shall not be required to pay compensation...
- 3 Where a notice has been given under the last preceding...
- 4 Subject to the next following paragraph, the said grounds, in...
- 5 (1) In so far as a notice given under paragraph...
- 6 For the purpose of determining whether an objection on the...
- 7 (1) In sub-paragraph (e) of paragraph 4 of this Schedule,...
- 8 Where a notice has been given under paragraph 2 of...
- 9 (1) Where a notice has been given under paragraph 2...
- 10 (1) If, in a case where a notice has been...
- 11 (1) Subject to the next following sub-paragraph, expenses incurred in...
- 12 Where it is shown that the expenses incurred in carrying...
- 13 (1) Except in so far as objection is made to...

#### FOURTH SCHEDULE — Short-term improvements and related matters for which compensation is payable

##### Part I — *IMPROVEMENTS*

- 1 Mole drainage and works carried out to secure the efficient...
- 2 Protection of fruit trees against animals.
- 3 Chalking of land.
- 4 Clay-burning.
- 5 Liming of land.
- 6 Application to land of purchased manure (including artificial manure).
- 7 Consumption on the land of corn (whether produced on the...

##### Part II — *OTHER MATTERS*

- 8 Growing crops and severed or harvested crops and produce, being...
- 9 Seeds sown and cultivations, fallows and acts of husbandry performed...
- 10 Pasture laid down with clover, grass, lucerne, sainfoin or other...
- 11 Acclimatisation, hefting or settlement of hill sheep on hill land...

##### Part III — *MODIFICATIONS OF PART II OF THIS SCHEDULE IN RELATION TO LAND NOT OCCUPIED BY A TENANT*

##### Part IV — *IMPROVEMENTS (SCOTLAND)*

- 12 Protecting fruit trees against animals.
- 13 Chalking of land.
- 14 Clay-burning.
- 15 Claying of land.
- 16 Liming of land.
- 17 Marling of land.
- 18 Eradication or bracken, whins, or broom growing on the land...
- 19 Application to land of purchased manure (including artificial manure).
- 20 Consumption on the land of corn (whether produced on the...
- 21 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or...

##### Part V — *MODIFICATIONS OF PART IV OF THIS SCHEDULE IN RELATION TO LAND NOT OCCUPIED BY A TENANT*

##### Part VI — *MARKET GARDEN IMPROVEMENTS*

- 22 Planting of standard or other fruit trees permanently set out...
- 23 Planting of fruit bushes permanently set out.
- 24 Planting of strawberry plants.
- 25 Planting of asparagus, rhubarb and other vegetable crops which continue...
- 26 Erection, alteration or enlargement of buildings for the purposes of...

#### FIFTH SCHEDULE — Compensation in respect of minerals

*Status: Point in time view as at 01/04/2018.*

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*General provisions*

- 1 (1) The provisions of this Schedule shall have effect in...
- 2 (1) Any entitlement to compensation under this Schedule shall be...

*Annual and initial compensation payable to mineral operator*

- 3 For the year beginning with the operative date of the...
- 4 (1) Where the assessment for any year under sub-paragraph (a)...
- 5 (1) For the year beginning with the operative date of...
- 6 (1) If, in consequence of the confirmation of the compulsory...

*Terminal compensation payable to mineral operator*

- 7 (1) The provisions of this and the next following paragraph...
- 8 (1) For each year after the period of occupation there...
- 9 (1) The provisions of this and the next following paragraph...
- 10 (1) The following capital equivalents shall be assessed, that is...

*Compensation payable to owner other than mineral operator*

- 11 (1) The provisions of paragraphs 12 and 13 of this...
- 12 (1) For the year beginning with the operative date of...
- 13 (1) For the purposes of this paragraph there shall be...

*Provisions as to compensation under other provisions of Part II*

- 14 (1) Where any land to which this Schedule applies consists...
- 15 (1) Where the land comprised in a compulsory rights order...

SIXTH SCHEDULE — Application of compensation provisions to special cases

*Changes in right of occupation, or division of ownership of holding*

- 1 (1) Subject to the next following paragraph, where a compulsory...
- 2 Where a compulsory rights order comprises the whole or part...
- 3 .....
- 4 (1) The provisions of this paragraph shall have effect where...
- 4A Where a compulsory rights order comprises the whole or part...
- 5 The provisions of paragraphs 1 to 4 of this Schedule...
- 6 In the following paragraphs of this Schedule, any reference to...

*Provisions as to assessment of profit or loss under s. 19*

- 7 .....
- 8 (1) Where a person is entitled to compensation for any...
- 9 (1) Where a person is entitled to compensation for any...
- 10 The provisions of paragraphs 8 and 9 of this Schedule...
- 11 In paragraphs 7 to 9 of this Schedule, references to...

*Assessment of annual compensation otherwise than by reference to letting from year to year*

- 12 .....
- 13 (1) Where any land to which section thirty-two of this...

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*Valuation of property otherwise than by reference to sale in open market*

- 14 (1) This paragraph applies to any provision of this Act...

*Woodlands*

- 15 The Minister may by regulations make provision for modifying or...

*Terminal compensation in respect of agricultural land qualifying for compensation under s. 26*

- 16 (1) The provisions of this paragraph shall have effect where...

*Provisions as to compensation under s. 32*

- 17 (1) No compensation shall be payable under subsection (2) of...  
18 (1) No compensation shall be payable under subsection (2) of...  
19 In paragraphs 17 and 18 of this Schedule any reference...

*Restricted lettings, and easements and similar rights*

- 20 This paragraph applies to the following rights, that is to...  
21 For the purposes of the following provisions of this Act,...  
22 .....  
23 Where the whole or part of the land comprised in...  
24 Any agreement for the letting of land or the grant...  
25 Where the whole or part of a holding to which...

*Apportionment of annual compensation in respect of parts of a year*

- 26 (1) Where, in consequence of any such act or event...  
27 Sub-paragraphs (2) to (4) of the last preceding paragraph shall...  
28 (1) Where, in the case of land to which section...

*Concurrent compulsory rights orders*

- 29 The Minister may by regulations make provision for modifying or...

*Compensation in respect of limited compulsory rights orders*

- 30 (1) In respect of a compulsory rights order which provides...

*Application to Scotland*

- 31 In the application of this Schedule to Scotland, for references...

SEVENTH — Adjustments between landlords and tenants and in respect of  
SCHEDULE mortgages and mining leases and orders

Part I — *AGRICULTURAL HOLDINGS*

- 1 (1) The provisions of this paragraph shall have effect where—...  
1A (1) The provisions of this paragraph shall have effect where—...  
2 (1) The provisions of this paragraph shall have effect where...  
2A (1) The provisions of this paragraph shall have effect where...  
3 (1) Where by virtue of section twenty-four of this Act...  
3A Where by virtue of section 25A of this Act a...  
4 (1) The provisions of this paragraph shall apply where—  
4A (1) The provisions of this paragraph shall apply where—

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- 5 (1) Where the land comprised in a compulsory rights order...
- 6 (1) Where — (a) an agricultural holding held under a...
- 7 The provisions of sub-paragraphs (1) to (6) of paragraph 4 of...
- 7A The provisions of paragraph 4A of this Schedule shall apply...
- Part II — *OTHER LAND*
- 8 (1) The provisions of this paragraph shall have effect where—...
- 9 (1) The provisions of this paragraph shall have effect where...
- 10 Where a compulsory rights order comprises the whole or part...
- 11 (1) Where a holding to which Part I of the...
- 12 (1) The provisions of this paragraph shall apply where—
- 13 The provisions of the last preceding paragraph shall apply in...
- Part III — *GENERAL PROVISIONS FOR PROTECTION IN RESPECT OF TENANCIES AND MORTGAGES*
- 14 Where any land comprised in a compulsory rights order is...
- 15 (1) Where at any time while any land was comprised...
- 16 The provisions of paragraphs 14 and 15 of this Schedule...
- Part IV — *PROVISIONS AS TO MINING LEASES AND ORDERS*
- 17 (1) The provisions of this Part of this Schedule shall...
- 18 The provisions of the mining lease or order shall have...
- Part V — *SPECIAL PROVISIONS AS TO BUSINESS, PROFESSIONAL AND OTHER TENANTS*
- 19 (1) The provisions of this Part of this Schedule shall...
- 20 (1) As from the operative date of the order and...
- 21 (1) For the purposes mentioned in the next following sub-paragraph,...
- 22 (1) Where an application made under subsection (1) of section...
- 23 (1) The provisions of this paragraph shall have effect, in...
- 24 (1) In relation to an application made under subsection (1)...
- Part VI — *APPLICATION TO SCOTLAND*
- 25 In the application of this Schedule to Scotland—

#### EIGHTH SCHEDULE — Tenancies of allotment gardens and other allotments

- 1 (1) In this Schedule— “the Act of 1908” means the...
- 2 Where the land comprised in a compulsory rights order consists...
- 3 (1) On the termination of an allotment tenancy by virtue...
- 4 In determining the amount of any compensation payable . . . .
- 5 (1) Where in consequence of the confirmation of a compulsory...
- 6 (1) Any compensation payable under paragraph 3 of this Schedule...
- 7 Any dispute— (a) as to a right to compensation . . . .
- 8 Subsection (2) of section six of the Act of 1922...
- 9 (1) Where on the termination of an allotment tenancy any...
- 10 In the application of this Schedule to Scotland—

#### NINTH SCHEDULE — Provisions as to notices

- 1 Subject to the following provisions of this Schedule, any notice...
- 2 Where the notice or document is required or authorised to...
- 3 (1) Subject to the next following sub-paragraph, where the notice...
- 4 The preceding provisions of this Schedule shall not apply to...

#### TENTH SCHEDULE — TRANSITIONAL PROVISIONS

##### Part I — GENERAL

- 1 (1) In this Schedule, except in so far as the...
- Part II — *OPENCAST SITES*

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### *Authorisations*

- 2 Subsection (1) of section one of this Act shall not...  
3 (1) Where at the commencement of this Act—  
4 The powers conferred on the Minister by section two of...

### *Termination of emergency powers*

- 5 Where a compulsory rights order is made in respect of...

### *Compulsory rights orders in respect of requisitioned opencast sites*

- 6 Subject to the following provisions of this Part of this...  
7 Where the land comprised in a compulsory rights order consists...  
8 A compulsory rights order falling within paragraph 6 or paragraph...  
9 (1) Where the land comprised in a compulsory rights order...  
10 Where the land comprised in a compulsory rights order consists...  
11 Subsection (2) of section nine of this Act shall not...  
12 . . . . .

### *Certification of payments under existing arrangements*

- 13 In respect of any land which, at the commencement of...  
14 (1) In respect of any such land as is mentioned...  
15 In respect of any such land as is mentioned in...  
16 The Minister shall serve on the Corporation a copy of...

### *Annual and initial compensation*

- 17 In respect of any land hereafter requisitioned for opencast operations  
—...  
18 Subject to the following provisions of this Part of this...  
19 Any periodical payments which continue to be payable as mentioned...  
20 The annual amount of any such periodical payments which are...  
21 (1) In respect of any land which, at the commencement...  
22 (1) The effect of a notice under the last preceding...  
23 (1) At any time after the first anniversary of the...

### *Terminal compensation*

- 24 Where after the commencement of this Act possession of any...  
25 In respect of any land hereafter requisitioned for opencast operations...  
26 In respect of any land already requisitioned for opencast operations...  
27 For the purposes of the application of any of the...  
28 Where compensation under section twenty-three of this Act, or under...

### *Tenant's improvements*

- 29 In relation to any land falling within paragraph 24 of...  
30 In relation to any land falling within paragraph 25 of...  
31 In relation to any land falling within paragraph 26 of...

### *Depreciation of other land in same ownership*

- 32 (1) The Minister may by regulations make provision for the...



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*Provisions as to minerals*

- 33 (1) The powers conferred by Regulation fifty-one A of the...  
34 In respect of any land requisitioned for opencast operations—  
35 Where after the commencement of this Act possession of any...  
36 Where after the commencement of this Act—  
37 (1) Where at the commencement of this Act—  
38 (1) The provisions of this paragraph shall have effect with...

*Provisions as to allotment gardens and other allotments*

- 39 The provisions of the Eighth Schedule to this Act shall...  
40 The provisions of the Eighth Schedule to this Act shall...

*Concurrent requisitions*

- 41 The Minister may by regulations make provision for modifying or...  
Part III — STORAGE SITES

*Termination of emergency powers*

- 42 Where a compulsory rights order is made in respect of...

*Certification of payments under existing arrangements*

- 43 Paragraphs 13 to 16 of this Schedule shall apply in...

*Annual compensation*

- 44 Paragraphs 18 to 23 of this Schedule shall apply in...

*Terminal compensation and tenant's improvements*

- 45 Paragraphs 24, 26, 27, 28 and 31 of this Schedule...

*Depreciation of other land in same ownership*

- 46 In sub-paragraph (1) of paragraph 32 of this Schedule, the...

*Concurrent requisitions*

- 47 In paragraph 41 of this Schedule, the reference to two...  
Part IV — TEMPORARY STOPPING UP OF HIGHWAYS  
48 (1) This Part of this Schedule applies to any order...  
49 In so far as any order made under that Regulation...  
Part V — PROVISIONS AS TO WOODLANDS  
50 Without prejudice to any exercise of the power conferred on...  
Part VI — APPLICATION TO SCOTLAND  
51 In the application of this Schedule to Scotland, for any...

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