



# Opencast Coal Act 1958

1958 CHAPTER 69 6 and 7 Eliz 2

## PART I

AUTHORISATION OF, AND FACILITIES FOR, OPENCAST WORKING OF COAL

### [<sup>F1</sup>14B Provisions as to farm business tenancies.

- (1) Without prejudice to the provisions of Part III of this Act as to matters arising between landlords and tenants in consequence of compulsory rights orders, the provisions of this section shall have effect where—
  - (a) opencast planning permission has been granted subject to a restoration condition, and
  - (b) immediately before that permission is granted, any of the land comprised therein consists of the holding or part of the holding held under a farm business tenancy,  
whether any of that land is comprised in a compulsory rights order or not.
- (2) For the purposes of section 1 of the Agricultural Tenancies Act 1995 (in this Act referred to as “the Act of 1995”), the land shall be taken, while it is occupied or used for the permitted activities, to be used for the purposes for which it was used immediately before it was occupied or used for the permitted activities.
- (3) For the purposes of the Act of 1995, nothing done or omitted by the tenant or by the landlord under the tenancy by way of permitting any of the land in respect of which opencast planning permission has been granted to be occupied for the purpose of carrying on any of the permitted activities, or by way of facilitating the use of any of that land for that purpose, shall be taken to be a breach of any term or condition of the tenancy, either on the part of the tenant or on the part of the landlord.
- (4) In determining under subsections (1) and (2) of section 13 of the Act of 1995 the rent which should be properly payable for the holding, in respect of any period for which the person with the benefit of the opencast planning permission is in occupation of the holding, or of any part thereof, for the purpose of carrying on any of the permitted activities, the arbitrator shall disregard any increase or diminution in the rental value

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*Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, Section 14B. (See end of Document for details)*

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of the holding in so far as that increase or diminution is attributable to the occupation of the holding, or of that part of the holding, by that person for the purpose of carrying on any of the permitted activities.

(5) In this section “holding”, in relation to a farm business tenancy, has the same meaning as in the Act of 1995.

(6) This section does not extend to Scotland.]

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**Textual Amendments**

**F1** S. 14B inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), SCh. para. 14 (with s. 37)

**Changes to legislation:**

There are currently no known outstanding effects for the Opencast Coal Act 1958, Section 14B.