



Opencast Coal Act 1958

1958 CHAPTER 69 6 and 7 Eliz 2

PART III

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

38 Protection from compulsory purchase of land occupied for authorised purposes.

Where a compulsory purchase order (within the meaning of the Acquisition of Land Act or, in Scotland, the Scottish Acquisition of Land Act) has been submitted or prepared, and—

- (a) the land comprised in the order includes land [^{F1}in respect of which opencast planning permission has been granted]and is for the time being occupied by the [^{F2}Corporation] for the [^{F3}purpose of carrying on the permitted activities], and
- (b) within the time limited for making objections to the order, the [^{F2}Corporation]give notice of that fact to the Minister to whom the order has been submitted, or by whom it has been prepared, as the case may be, specifying the land [^{F4}in respect of which the permission was granted and] which is occupied as mentioned in the preceding paragraph,

the compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of any of the land specified in that notice, unless [^{F5}the Secretary of State] is satisfied that it can be purchased without serious detriment to the [^{F6}permitted activities].

Textual Amendments

- F1** Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(3), [Sch. 8 para. 9\(a\)\(i\)](#)
- F2** Word in s. 38 substituted by [1987 c. 3, s. 1\(2\)](#), [Sch. 1 para. 7\(c\)](#)
- F3** Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(3), [Sch. 8 para. 9\(a\)\(ii\)](#)
- F4** Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(3), [Sch. 8 para. 9\(b\)](#)
- F5** Words substituted by virtue of [S.I. 1969/1498, arts. 2\(1\), 5\(6\)](#) and [1970/1537, arts. 2\(2\), 7\(4\)](#)
- F6** Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(3), [Sch. 8 para. 9\(c\)](#)

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Opencast Coal Act 1958, Section 38.