



Opencast Coal Act 1958

1958 CHAPTER 69

PART I

AUTHORISATION OF, AND FACILITIES FOR, OPENCAST WORKING OF COAL

5 Effect of opencast site orders

- (1) Subject to the following provisions of this Part of this Act, the effect of an opencast site order shall be in accordance with the provisions of this section.
- (2) The Board shall publish, serve and affix notices specifying the date on which the rights conferred by the order are to become exercisable (in this Act referred to as " the date of entry ") being a date—
 - (a) not less than fifty-six days after the first publication (in accordance with the provisions mentioned in the next following subsection) of a notice specifying that date, and
 - (b) not more than six months after the operative date.
- (3) The provisions of Part II of the Second Schedule to this Act shall have effect as to the publication, service and affixing of notices under the last preceding subsection.
- (4) As from the date of entry and during the period for which, on and after that date, the order has effect (in this Act referred to as " the period of occupation "), the order shall confer upon the Board, and upon persons authorised by the Board, the like rights to occupy the land comprised in the order, and to exclude other persons therefrom, as if the Board had acquired a freehold interest in the entirety of that land with vacant possession and free from incumbrances of any description.
- (5) In addition to the rights mentioned in the last preceding subsection, an opencast site order shall confer upon the Board, and upon persons authorised by the Board, the right during the period of occupation, as against all persons directly concerned, to carry out, on or in relation to any of the land comprised in the order, all such operations as may appear to the Board, in relation to the authorisation referred to in the order, to be requisite for, or incidental to, the fulfilment of the authorised purposes.

Status: This is the original version (as it was originally enacted).

- (6) Subject to the following provisions of this Act, in this Act " persons directly concerned ", in relation to an opencast site order, means persons who for the time being have any interest in any of the land comprised in the order, or have (apart from the order) a right to occupy any of that land, or are entitled to any right restrictive of the use of any of that land.