



# Coal Industry Act 1975

## 1975 CHAPTER 56

An Act to provide for grants to the National Coal<sup>[F1</sup> Corporation] to meet expenditure under a scheme providing for compensation for pneumoconiosis; to enable the<sup>[F1</sup> Corporation] to withdraw support to enable coal to be worked and to work coal in former copyhold land; to make further provision in relation to opencast operations; and for purposes connected therewith. [1st August 1975]

### Textual Amendments

- F1** In this Act, for the words "Board" and "Board's" wherever they occur (except in ss. 1(4), 2(5), (6), (8), paras. 2(a) and 3(c) of Sch. 1 and in the first place they occur in s. 3(8)) there is substituted the words "Corporation" and "Corporation's" by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(2), **Sch. 1 para. 28(2)**

### Commencement Information

- I1** Act wholly in force at 1.9.1975 see [s. 8\(2\)](#)

**F31** **Grants to National Coal [F2 Corporation] to meet expenditure under pneumoconiosis compensation scheme.**

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### Textual Amendments

- F2** S. 1: for "Board" and "Board's" wherever they occur in the Act (with specified exceptions) there is substituted "Corporation" or "Corporation's" by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(2), **Sch. 1 para. 28(2)**.
- F3** S. 1 repealed (27.3.2004) by [Coal industry Act 1994 \(c. 21\)](#), s. 68(3)(b), **Sch. 11 Pt. 4**; S.I. 2004/144, art. 3

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- F<sup>4</sup>(2) .....
- F<sup>4</sup>(3) .....
- F<sup>5</sup>(4) .....
- F<sup>4</sup>(5) .....
- F<sup>4</sup>(6) .....
- F<sup>5</sup>(7) .....
- F<sup>4</sup>(8) .....
- F<sup>4</sup>(9) .....
- F<sup>4</sup>(10) .....

**Textual Amendments**

**F4** S. 2(1)-(3)(5)(6)(8)-(10) repealed (31.10.1994) by 1994 c. 21, ss. 67, 68(2), **Sch. 11 Pt. II** (with ss. 38(7), 40, 41, 66); S.I. 1994/2553, **art. 2**

**F5** S. 2(4)(7) repealed (30. 11. 1991) by Coal Mining Subsidence Act 1991 (c. 45), s. 53(2), **Sch. 8** (with s. 37(4), Sch. 7); S.I. 1991/2508, **art. 2**.

F<sup>6</sup>3 .....

**Textual Amendments**

**F6** S. 3 repealed (31.10.1994) by ss. 67, 68(2), Sch. 11 Pt. II (with ss. 40(7), 49(9), 66 and with savings in Sch. 7 Pt. II para. 12(1)(a)(2)(3)); S.I. 1994/2553, **art. 2**

**4 Compulsory acquisition of rights over land for opencast operations.**

(1) For subsections (1) to (4) of section 4 of the <sup>M1</sup>Opencast Coal Act 1958 (which provided for the making, within the period of ten years beginning with the commencement of that Act, of compulsory rights orders known as “opencast site orders” and “storage site orders”) there shall be substituted the following subsections:

“(1) For the purpose of facilitating the working of coal by opencast operations, the [<sup>F7</sup>Corporation] may, by means of an order (in this Act referred to as a “compulsory rights order”) made by the [<sup>F7</sup>Corporation] and confirmed by the Secretary of State, compulsorily acquire, in accordance with the following provisions of this Act, temporary rights of occupation and use of the whole or part of the land comprised in an authorisation under section 1 of this Act.

(2) Subject to the provisions of Part III of this Act as to the variation of orders, the period for which a compulsory rights order has effect shall be a period—  
(a) beginning with the date on which the order becomes operative (in this Act referred to as “the operative date”), and

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(b) of such duration, not exceeding twenty years, as may be specified in the order.”

(2) In consequence of the provisions of subsection (1) above, the <sup>M2</sup>Opencast Coal Act 1958 shall have effect subject to the amendments in Schedule 3 to this Act.

**Textual Amendments**

**F7** S. 4: for "Board" and "Board's" wherever they occur in the Act (with specified exceptions) there is substituted "Corporation" or "Corporation's" by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(2), [Sch. 1 para. 28\(2\)](#).

**Modifications etc. (not altering text)**

**C1** The text of ss. 4(1)(2), 6(1)—(3), 7(4), Sch. 3 paras. 1, 2, 4(1)—(5), 5(1)(2), 6—10, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M1** 1958 c. 69.  
**M2** 1958 c. 69.

5 ..... F8

**Textual Amendments**

**F8** S. 5 repealed by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(4), [Sch. 12 Pt. II](#)

**6 Additional compensation on re-occupation after opencast working.**

(1) After section 23 of the Opencast Coal Act 1958 there shall be inserted the following section:—

**“23A Additional compensation on re-occupation.**

(1) Subject to the following provisions of this section, with a view to furthering the resumption of agriculture on land formerly comprised in a compulsory rights order, a person shall be entitled to compensation by virtue of this section in respect of a holding to which section 21 of this Act applies if he is in occupation of the holding at the end of the period of occupation or if he enters into occupation of the holding at or after the end of that period, provided that he is occupying the holding or (as the case may be) he enters into occupation of the holding wholly or mainly for the purposes of agriculture carried on by way of a trade or business.

(2) No compensation shall be payable to a person by virtue of this section unless he is either the person who, immediately before the operative date of the compulsory rights order, was entitled to occupy the holding (in this subsection referred to as “the original occupier”) or a person who, before the end of the period of occupation, became entitled to the relevant interest in the holding in accordance with the disposition of, the original occupier’s estate effected

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by his will, or the law relating to intestacy, or the combination of his will and that law.

(3) In subsection (2) above—

“the relevant interest”, in relation to any person, means the interest by virtue of which he became entitled to occupy the holding (or would have become so entitled if the compulsory rights order had not been made); and

“will” includes a codicil.

(4) The compensation payable in respect of a holding by virtue of this section shall be payable by the [<sup>F9</sup>Corporation] and, subject to the following provisions of this section, shall be an amount equal to the compensation payable in respect of that holding under sections 18 and 19 of this Act for the last twelve months of the period of occupation.

(5) Subject to the following provisions of this section, in any case where the compensation last payable in respect of a holding under sections 18 and 19 was in fact payable by reference to a period of less than twelve months, the compensation payable in respect of that holding by virtue of this section shall be an amount equal to the compensation which was so payable under sections 18 and 19, multiplied by the fraction of which the numerator is 365 and the denominator is the number of days in the period by reference to which the compensation was so payable under those sections.

(6) Where the person entitled, immediately after the end of the period of occupation, to occupy the holding concerned ceases, before he enters into occupation, to be entitled to occupy some part of it then, subject to subsection (7) below,—

- (a) his entry into occupation of the part which he remains entitled to occupy shall be treated for the purposes of subsection (1) above as entry into occupation of the holding ; but
- (b) the compensation payable to him by virtue of this section shall be such proportion of the compensation which would have been so payable had he remained entitled to enter into occupation of the whole of the holding as is properly attributable to the part of the holding which he remains entitled to occupy.

(7) If, immediately before the end of the period of occupation, only part of the holding concerned (in this subsection referred to as “the compensatable portion”) was comprised in the compulsory rights order and (after the end of the period of occupation) subsection (6) above applies, then—

- (a) if the part of the holding which the person concerned ceased to be entitled to occupy comprises the whole of the compensatable portion, no compensation shall be payable to him by virtue of this section ;
- (b) if the person concerned remains entitled to occupy the whole of the compensatable portion, the compensation so payable to him shall not be reduced under paragraph (b) of subsection (6) above ; and
- (c) in any other case, for the purpose of determining the proportion of the compensation properly attributable to any part of the holding under paragraph (b) of subsection (6) above, the holding shall be treated as consisting of the compensatable portion only.”

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(2) In section 35 of the <sup>M3</sup>Opencast Coal Act 1958 (time when compensation accrues due) after subsection (4) there shall be inserted the following subsection:—

“(4A) Any compensation payable under section 23A of this Act shall accrue due on the date when the person entitled to compensation enters into occupation, if after the end of the period of occupation, and at the end of the period of occupation in any other case.”

(3) In Schedule 6 to that Act (application of compensation provisions to special cases), after paragraph 4 there shall be inserted the following paragraph—

“4A Where a compulsory rights order comprises the whole or part of a holding to which section 21 of this Act applies, and at the end of the period of occupation one person is entitled to occupy part of that holding and another person is entitled to occupy another part of that holding, each of those parts of the holding shall be treated for the purposes of section 23A of this Act as if it were a separate holding, and were a holding to which section 21 of this Act applied.”

#### Textual Amendments

**F9** S. 6: for "Board" and "Board's" wherever they occur in the Act (with specified exceptions) there is substituted "Corporation" or "Corporation's" by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(2), [Sch. 1 para. 28\(2\)](#).

#### Modifications etc. (not altering text)

**C2** The text of ss. 4(1)(2), 6(1)—(3), 7(4), Sch. 3 paras. 1, 2, 4(1)—(5), 5(1)(2), 6—10, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M3** 1958 c. 69.

## 7 Savings, transitional provisions and repeals.

<sup>F10</sup>(1) .....

<sup>F10</sup>(2) .....

(3) Nothing in this Act shall affect the operation of section 3 of—

(a) the <sup>M4</sup>Acquisition of Land (Authorisation Procedure) Act 1946, or

(b) the <sup>M5</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947,

in any case where an order under that section was made, or notice of such an order was published, before the commencement of this Act.

(4) The enactments specified in Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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#### **Textual Amendments**

**F10** S. 7(1)(2) repealed (30. 11. 1991) by [Coal Mining Subsidence Act 1991 \(c. 45\)](#), s. 53(2), [Sch.8](#) (with s. 37(4), [Sch. 7](#)); S.I. 1991/2508, [art.2](#).

#### **Modifications etc. (not altering text)**

**C3** The text of s. 7(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Marginal Citations**

**M4** [1946 c. 49](#).

**M5** [1947 c. 42](#).

## **8 Short title, commencement and extent.**

- (1) This Act may be cited as the Coal Industry Act 1975.
- (2) This Act shall come into operation at the expiry of the period of one month beginning with the day on which it is passed.
- (3) Section 3 of this Act does not extend to Scotland.
- (4) This Act does not extend to Northern Ireland.

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## SCHEDULES

### SCHEDULE 1

Section 2.

#### SUPPLEMENTARY PROVISIONS RELATING TO RIGHT TO WITHDRAW SUPPORT

F11<sub>1</sub> .....

##### Textual Amendments

**F11** Sch. 1 paras. 1-4 repealed (30. 11. 1991) by Coal Mining Subsidence Act 1991 (c. 45), s. 53(2), **Sch.8** (with s. 37(4), Sch. 7); S.I. 1991/2508, **art.2**.

F12<sub>2</sub> .....

##### Textual Amendments

**F12** Sch. 1 paras. 1-4 repealed (30. 11. 1991) by Coal Mining Subsidence Act 1991 (c. 45), s. 53(2), **Sch.8** (with s. 37(4), Sch. 7); S.I. 1991/2508, **art.2**.

F13<sub>3</sub> .....

##### Textual Amendments

**F13** Sch. 1 paras. 1-4 repealed (30. 11. 1991) by Coal Mining Subsidence Act 1991 (c. 45), s. 53(2), **Sch.8** (with s. 37(4), Sch. 7); S.I. 1991/2508, **art.2**.

F14<sub>4</sub> .....

##### Textual Amendments

**F14** Sch. 1 paras. 1-4 repealed (30. 11. 1991) by Coal Mining Subsidence Act 1991 (c. 45), s. 53(2), **Sch.8** (with s. 37(4), Sch. 7); S.I. 1991/2508, **art.2**.

F15<sub>5</sub> .....

##### Textual Amendments

**F15** Sch. 1 para. 5 repealed (31.10.1994) by 1994 c. 21, ss. 67, 68(2), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

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F16 SCHEDULE 2

**Textual Amendments**

F16 Sch. 2 repealed (31.10.1994) by 1994 c. 21, s. 67 Sch. 11 Pt. II (with ss. 40(7), 49, 66 and with savings in Sch. 7 para. 12(1)(b)(3)); S.I. 1994/2553, art. 2

SCHEDULE 3

Section 4.

AMENDMENTS OF M7 OPENCAST COAL ACT 1958 CONSEQUENTIAL ON SECTION 4

**Marginal Citations**

M7 1958 c. 69.

1 In section 4(6) the words “being an opencast site order” shall be omitted.

**Modifications etc. (not altering text)**

C4 The text of ss. 4(1)(2), 6(1)—(3), 7(4), Sch. 3 paras. 1, 2, 4(1)—(5), 5(1)(2), 6—10, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

2 In section 5 for the words “an opencast site order”, in each place where they occur, there shall be substituted the words “a compulsory rights order”.

**Modifications etc. (not altering text)**

C5 The text of ss. 4(1)(2), 6(1)—(3), 7(4), Sch. 3 paras. 1, 2, 4(1)—(5), 5(1)(2), 6—10, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

3 ..... F26

**Textual Amendments**

F26 Sch. 3 para. 3 repealed by Housing and Planning Act 1986 (c. 63, SIF 86), s. 39(4), Sch. 12 Pt. II

- 4 (1) In section 7, in subsection (1) the words “or in accordance with subsection (3) of section six of this Act” shall be omitted.
- (2) In subsection (3) of that section the words “In relation to an opencast site order” shall be omitted.
- (3) In subsection (5) of that section the words from “or of” to the end of the subsection shall be omitted.



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(4) In subsection (6) of that section the words “or section six of this Act” shall be omitted.

(5) In subsection (7) of that section the words “or in subsection (4) of section six of this Act” shall be omitted.

**Modifications etc. (not altering text)**

**C6** The text of ss. 4(1)(2), 6(1)—(3), 7(4), Sch. 3 paras. 1, 2, 4(1)—(5), 5(1)(2), 6—10, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

5 (1) In section 8, in subsection (1) the words “(whether it is an opencast site order or a storage site order)” shall be omitted.

(2) In subsection (3)(b) of that section the words “or subsection (2) of section six of this Act, as the case may be” shall be omitted.

**Modifications etc. (not altering text)**

**C7** The text of ss. 4(1)(2), 6(1)—(3), 7(4), Sch. 3 paras. 1, 2, 4(1)—(5), 5(1)(2), 6—10, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

6 In section 9 for the words “an opencast site order”, in each place where they occur, there shall be substituted the words “a compulsory rights order”.

**Modifications etc. (not altering text)**

**C8** The text of ss. 4(1)(2), 6(1)—(3), 7(4), Sch. 3 paras. 1, 2, 4(1)—(5), 5(1)(2), 6—10, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

7 In section 36, in subsection (2) for the words “an opencast site order”, in the first place where they occur, there shall be substituted the words “any compulsory rights order” and the words “opencast site”, where they occur in the proviso to the subsection, shall be omitted.

**Modifications etc. (not altering text)**

**C9** The text of ss. 4(1)(2), 6(1)—(3), 7(4), Sch. 3 paras. 1, 2, 4(1)—(5), 5(1)(2), 6—10, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

8 In section 49, for the proviso to subsection (5) there shall be substituted the following proviso:—

“Provided that where the period specified in the order is less than twenty years, this subsection shall not prevent the variation of the order by the extension of that period, if the period as extended does not exceed twenty years”.

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**Modifications etc. (not altering text)**

**C10** The text of ss. 4(1)(2), 6(1)—(3), 7(4), Sch. 3 paras. 1, 2, 4(1)—(5), 5(1)(2), 6—10, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

9 In section 51(1) the definitions of “opencast site order” and “storage site order” shall be omitted and in each of the definitions of “period of occupation” and “persons directly concerned” for the words following “assigned to it” there shall be substituted the words “by section 5 of this Act”.

**Modifications etc. (not altering text)**

**C11** The text of ss. 4(1)(2), 6(1)—(3), 7(4), Sch. 3 paras. 1, 2, 4(1)—(5), 5(1)(2), 6—10, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

[<sup>F27</sup>10 In paragraph 5(1) of Schedule 2, for the words “an opencast site order” there shall be substituted the words “a compulsory rights order”.]

**Textual Amendments**

**F27** Sch. 3 para. 10 repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**

**Modifications etc. (not altering text)**

**C12** The text of ss. 4(1)(2), 6(1)—(3), 7(4), Sch. 3 paras. 1, 2, 4(1)—(5), 5(1)(2), 6—10, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

11 ..... <sup>F28</sup>

**Textual Amendments**

**F28** Sch. 3 para. 11 repealed by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(4), **Sch. 12 Pt. II**

<sup>F29</sup>**SCHEDULE 4**

**Textual Amendments**

**F29** Sch. 4 repealed by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(4), **Sch. 12 Pt. II**

..... <sup>F29</sup>

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## SCHEDULE 5

section 7(4).

### ENACTMENTS REPEALED

#### Modifications etc. (not altering text)

**C13** The text of ss. 4(1)(2), 6(1)—(3), 7(4), Sch. 3 paras. 1, 2, 4(1)—(5), 5(1)(2), 6—10, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short title	Extent of repeal
1 & 2 Geo. 6. c. 52.	The Coal Act 1938.	In Schedule 2, Part II and, in Part III, paragraph 8(c).
6 & 7 Geo. 6. c.38.	The Coal Act 1943.	Section 11. Schedule 2.
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act 1946.	In section 3, subsections (2) and (3) so far as not otherwise repealed.
6 & 7 Eliz. 2. c. 69.	The Opencast Coal Act 1958.	In section 4(6) the words “being an opencast site order”. Section 6. In section 7, in subsection (1), the words “or in accordance with subsection (3) of section six of this Act”; in subsection (3), the words “In relation to an opencast site order”; in subsection (5), the words from “or of” to the end of the subsection; in subsection (6), the words “or section six of this Act”; and in subsection (7), the words “or in subsection (4) of section six of this Act”. In section 8, in subsection (1), the words “(whether it is an opencast site order or a storage site order)”; and in subsection (3)(b) the words “or subsection (2) of section six of this Act, as the case may be”.

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		In section 36(2), the words “opencast site”, where they occur in the proviso to the subsection.
		In section 45, in subsection (3), the words “section three of the Acquisition of Land Act, as applied by”; and subsection (5).
		In section 51(1) the definitions of “opencast site order” and “storage site order”.
		In Schedule 10, paragraph 12.
1968 c. 41.	The Countryside Act 1968.	In Schedule 3, in Part I, paragraph 3 of the provisions relating to the Acquisition of Land (Authorisation Procedure) Act 1946.
1971 c. 78.	The Town and Country Planning Act 1971.	In Schedule 3, paragraph 8(c).

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**Status:**

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**Changes to legislation:**

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