



Housing and Planning Act 1986

1986 CHAPTER 63

PART V

OPENCAST COAL

39 Abolition of Secretary of State's power to authorise opencast working,

- (1) The following provisions of the Opencast Coal Act 1958 (" the 1958 Act ") shall cease to have effect—
 - (a) sections 1 and 2 (authorisation by Secretary of State of opencast working of coal and associated provisions); and
 - (b) section 9(2) (buildings on land comprised in a compulsory rights order),but this subsection does not affect a direction given under section 2 of the 1958 Act before the day on which the repeal of that section by paragraph (a) above comes into operation, and any repeal by this Act of an enactment which relates to directions under section 2 of the 1958 Act shall have no effect in relation to directions whose effect is continued by this subsection.
- (2) The repeal of section 2(4) of the 1958 Act shall not prevent the felling of a tree that could not have been felled but for paragraph (a) of that subsection (which negated tree preservation orders).
- (3) The 1958 Act shall have effect with the amendments specified in Part I of Schedule 8 to this Act and section 29 of the Acquisition of Land Act 1981 shall have effect with the amendments specified in Part II of that Schedule.
- (4) The enactments specified in Part II of Schedule 12 to this Act (which include enactments already obsolete or unnecessary) are repealed to the extent specified in the third column of that Schedule.