



# Opencast Coal Act 1958

## 1958 CHAPTER 69

### PART I

#### AUTHORISATION OF, AND FACILITIES FOR, OPENCAST WORKING OF COAL

#### **4 Compulsory rights orders**

- (1) For the purpose of facilitating the working of coal by opencast operations, the Board may, by means of an order (in this Act referred to as a " compulsory rights order ") made by the Board and confirmed by the Minister, compulsorily acquire temporary rights of occupation and use of land in accordance with the following provisions of this Part of this Act:

Provided that no compulsory rights order shall be made after the end of the period of ten years beginning with the commencement of this Act.

- (2) Subject to the next following subsection, a compulsory rights order may be either—
- (a) an order (in this Act referred to as an " opencast site order ") whereby, when the order becomes operative, the Board compulsorily acquire temporary rights of occupation and use of the whole or part of the land comprised in an authorisation under section one of this Act; or
  - (b) an order (in this Act referred to as a " storage site order ") whereby, when the order becomes operative, the Board compulsorily acquire temporary rights of occupation and use of land for the purpose of storing, cleaning or sorting coal or otherwise preparing it for disposal.
- (3) A storage site order shall not be made in respect of any land unless—
- (a) possession of that land was taken in the exercise of emergency powers before the eighteenth day of December, nineteen hundred and fifty-seven ;
  - (b) possession of that land was on that day retained in the exercise of those powers for the purpose of storing, cleaning or sorting coal or otherwise preparing it for disposal, and continues to be so retained for that purpose at the time when the order is made ; and

---

*Status: This is the original version (as it was originally enacted).*

---

- (c) during the period beginning with that day and ending with the date on which the order is made, the coal stored or otherwise dealt with on that land has been wholly or mainly coal got by opencast operations.
- (4) The period for which a compulsory rights order has effect shall be a period beginning with the date on which the order becomes operative (in this Act referred to as " the operative date ") and being—
- (a) in the case of an opencast site order, a period of such duration, not exceeding ten years, as may be specified in the order;
  - (b) in the case of a storage site order, a period not extending beyond the tenth anniversary of the date of the commencement of this Act, and (subject to that limitation) of such duration as may be specified in the order:
- Provided that this subsection shall have effect subject to the provisions of Part III of this Act as to the variation of orders.
- (5) The provisions of Parts I, III and IV of the First Schedule to the Acquisition of Land Act (which relate to the procedure for authorising compulsory purchases by local authorities) shall apply to compulsory rights orders, subject to the adaptations, modifications and exceptions set out in Part I of the Second Schedule to this Act.
- (6) A compulsory rights order, being an opencast site-order, may be made either before or after the granting, of an authorisation under section one of this Act to work the coal in question, so however that
- (a) where the order is made after the relevant authorisation has been granted, the order, as from the time when it is made, shall include a reference to that authorisation ;
  - (b) where the order is made before the relevant authorisation has been granted, the Minister shall not confirm it unless he grants that authorisation, and, if he grants the authorisation and confirms the order, the order as confirmed shall include a reference to that authorisation; and
  - (c) in either case, the order, as confirmed, shall not extend to any land which is not comprised in the authorisation referred to in the order.
- (7) The Lands Clauses Acts shall not apply to the compulsory acquisition of rights by virtue of a compulsory rights order, or to the taking or retention of possession of land in the exercise of such rights.
- (8) In the application of this section to Scotland, for the reference to the Acquisition of Land Act there shall be substituted a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 (in this Act referred to as " the Scottish Acquisition of Land Act " ).