



# Opencast Coal Act 1958

1958 CHAPTER 69 6 and 7 Eliz 2

## PART I

AUTHORISATION OF, AND FACILITIES FOR, OPENCAST WORKING OF COAL

### 9 Property exempt from inclusion in compulsory rights orders.

- (1) A compulsory rights order shall not comprise any part of a building which, at the time when the order is made, is a building whereof the whole or any part is occupied as a dwelling-house, or any part of the land adjacent to such a building which, at that time, is occupied together with the whole or part of that building and either—
  - (a) is within fifty yards from a part of that building, or
  - (b) not being land falling within the preceding paragraph, and not being agricultural land, forms part of a garden, yard, court or forecourt belonging to that building.
- (2) .....<sup>F1</sup>
- (3) No compulsory rights order shall be made so as to comprise any land which is or has been comprised in a previous compulsory rights order as confirmed by the Minister, other than a previous order which, as so confirmed, provided that its operation should be limited as mentioned in subsection (1) of the last preceding section.
- (4) [<sup>F2</sup>A compulsory rights order], as confirmed by the Minister, shall not comprise any land of which possession—
  - (a) has previously been taken in the exercise of emergency powers, and
  - (b) has at any time (whether before or after the commencement of this Act) been retained in the exercise of those powers for the purpose of working coal on that land, or on land contiguous therewith, by opencast operations, and
  - (c) has before the confirmation of the order ceased to be retained in the exercise of those powers,

unless, at the time of confirming the order, the Minister is satisfied that there are special circumstances existing at that time, or special circumstances relating to the land in

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*Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, Section 9. (See end of Document for details)*

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question, which justify its inclusion in [<sup>F2</sup>a compulsory rights order] notwithstanding that possession thereof has previously been so taken and retained.

**Textual Amendments**

- F1** S. 9(2) repealed (with saving) by [Housing and Planning Act 1986 \(c. 63, SIF 86\)](#), s. 39(1)(4), [Sch. 12 Pt. II](#)
- F2** Words substituted by [Coal Industry Act 1975 \(c. 56\)](#), [Sch. 3 para. 6](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Opencast Coal Act 1958, Section 9.