
STATUTORY INSTRUMENTS

1994 No. 3097

The Opencast Coal (Compulsory Rights, Drainage and Rights of Way) (Forms) Regulations 1994

Citation and commencement

1. These Regulations may be cited as the Opencast Coal (Compulsory Rights, Drainage and Rights of Way) (Forms) Regulations 1994, and shall come into force on 31st December 1994.

Interpretation

2. In these Regulations—

“the 1947 Act” means the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

“the 1958 Act” means the Opencast Coal Act 1958;

“the 1981 Act” means the Acquisition of Land Act 1981;

and any reference to a numbered form is a reference to the form bearing that number in the Schedule to these Regulations, or to a form substantially to the same effect.

Prescribed forms in connection with compulsory rights orders

3. The prescribed forms in relation to the provisions mentioned below are as follows—

(a) in relation to England and Wales—

(i) form 1 is the prescribed form for the purposes of section 4(1A)(b) of the 1958 Act; and in respect of the following provisions of the 1981 Act as applied by section 4(4A) of the 1958 Act—

(ii) form 2 is the prescribed form for the purposes of section 10(2);

(iii) form 3 is the prescribed form for the purposes of sections 11(1) and 15;

(iv) form 4 is the prescribed form for the purposes of section 12(1);

(v) form 5 is the prescribed form for the purposes of section 22; and

(b) in relation to Scotland—

(i) form 1 is the prescribed form for the purposes of section 4(1A)(b) of the 1958 Act; and in respect of the following provisions of Schedule 1 to the 1947 Act as applied by section 4(5) as read with section 4(8) of the 1958 Act;

(ii) form 2 is the prescribed form for the purposes of paragraph 2;

(iii) form 3 is the prescribed form for the purposes of paragraphs 3(a) and 6;

(iv) form 4 is the prescribed form for the purposes of paragraph 3(b); and

(v) form 5 is the prescribed form for the purposes of paragraph 13.

Prescribed forms in connection with rights of way orders

4. The prescribed forms in relation to the subsections of section 15A of the 1958 Act mentioned below are as follows—

- (a) for the purposes of subsection (1) and, as regards that subsection, subsection (5)(c), form 6;
- (b) for the purposes of subsection (1A) and, as regards that subsection, subsection (5)(c), form 7;
- (c) for the purposes of subsection (10) form 8.

Prescribed forms in connection with drainage orders

5. The prescribed forms in relation to the provisions mentioned below are as follows—

- (a) in relation to England and Wales—
 - (i) form 9 is the prescribed form for the purposes of section 16(2A)(c) of the 1958 Act; and in respect of the following provisions of the 1981 Act as applied by section 16(4A) of the 1958 Act—
 - (ii) form 10 is the prescribed form for the purposes of section 10(2);
 - (iii) form 11 is the prescribed form for the purposes of sections 11(1) and 15;
 - (iv) form 12 is the prescribed form for the purposes of section 12; and
 - (v) form 5 is the prescribed form for the purposes of section 22;
- (b) in relation to Scotland—
 - (i) form 9 is the prescribed form for the purposes of section 16(2A)(c) of the 1958 Act; and in respect of the following provisions of Schedule 1 to the 1947 Act as applied by section 16(5) as read with section 16(9) of the 1958 Act—
 - (ii) form 10 is the prescribed form for the purposes of paragraph 2;
 - (iii) form 11 is the prescribed form for the purposes of paragraph 3(a) and 6;
 - (iv) form 12 is the prescribed form for the purposes of paragraph 3(b); and
 - (v) form 5 is the prescribed form for the purposes of paragraph 13.

Prescribed particulars

6. Particulars of the matters specified in subsection (1) or, as the case may be, subsection (1A) of section 15A of the 1958 Act are prescribed for the purposes of section 15A(5)(c)

Revocation and transitional provision

7.—(1) The Opencast Coal (Compulsory Rights and Rights of Way) (Forms) Regulations 1987(2) are hereby revoked.

(2) Nothing in paragraph (1) shall affect the operation of those Regulations in relation to paragraph 9 of Schedule 10 to the Coal Industry Act 1994.

2nd December 1994

John Gummer
One of Her Majesty's Principal Secretaries of
State