

SCHEDULES

SCHEDULE 8

AMENDMENTS OF THE OPENCAST COAL ACT 1958

Compensation for depreciation of land in same ownership

- 25 (1) In subsection (2) of section 32 (annual compensation in respect of depreciation of land in the same ownership)—
- (a) after “falling” there shall be inserted “wholly or partly”; and
 - (b) the words “from the Corporation” shall be omitted.
- (2) After that subsection there shall be inserted the following subsections—
- “(2A) Subject (where different persons have been entitled to the rights for different parts of the year) to any apportionment under section 35(3) of this Act, the liability to pay compensation under subsection (2) of this section shall fall on the persons who, for the whole or any part of the year in question, have been entitled to the rights conferred by the order.
 - (2B) For the purposes of subsection (2) of this section the annual value of any land for any year shall be taken to be an amount equal to the annual rent at which, immediately before the beginning of that year, that land, in the appropriate circumstances, might reasonably have been expected to be let from year to year under a contract of tenancy whereby the tenant undertook—
 - (a) to pay all usual tenant’s rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the land in a state to command that rent, and
 - (b) not to carry out any operations on the land, or to make any change in the use thereof, for which permission would be required under Part III of the Act of 1990 or Part III of the Town and Country Planning (Scotland) Act 1972, except any operations for which such permission has been granted and is in force immediately before the beginning of that year.”
- (3) In subsection (3) of that section, for the words before paragraph (a) there shall be substituted—
- “(3) For the purposes of subsection (2B) of this section, the appropriate circumstances—”.
- (4) In subsection (4) of that section (terminal compensation in respect of depreciation of land in same ownership), for “the Corporation” there shall be substituted “the person who immediately before the end of the period of occupation is the person entitled to the rights conferred by the order, and that compensation shall be”.