

Status: Point in time view as at 31/10/1994.

Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, Paragraph 3. (See end of Document for details)

SCHEDULES

EIGHTH SCHEDULE

TENANCIES OF ALLOTMENT GARDENS AND OTHER ALLOTMENTS

- 3 (1) On the termination of an allotment tenancy by virtue of the last preceding paragraph, the tenant under that tenancy shall not be entitled to any compensation from his landlord by virtue of the Act of 1908 or the Act of 1922 or the ^{M1}Allotments Act 1950, or by virtue of any other enactment relating to allotments, but the following provisions of this paragraph shall have effect as to compensation payable by [^{F1}the person on whose application the order was made]to the tenant in respect of the termination of that tenancy.
- (2) Subject to sub-paragraph (4) of this paragraph, the amount of the compensation payable in respect of an allotment tenancy under this paragraph shall be the amount of the compensation (if any) to which, under any of the enactments mentioned in the next following sub-paragraph, the tenant under that tenancy would have been entitled from his landlord, on quitting the land on the termination of his tenancy, if—
- (a) the tenancy had been terminated by the landlord as from the date of entry, and
- (b) in the case of an allotment garden, the tenancy had been so terminated by such re-entry as is mentioned in subsection (2) of section two of the Act of 1922.
- (3) The said enactments are the following, that is to say,—
- (a) sections two, three and five of the Act of 1922; and
- (b) section forty-seven of the Act of 1908.
- (4) In addition to any amount payable in accordance with sub-paragraph (2) of this paragraph, compensation shall be payable under this paragraph in respect of an allotment tenancy of an amount equal to one year's rent under that tenancy, at the rate at which rent was payable thereunder immediately before the date on which the compulsory rights order was made:

Provided that, if the tenancy did not subsist at the time when the order was made, the amount payable by virtue of this sub-paragraph shall be equal to one year's rent at such rate as would have represented a reasonable rent in relation to that tenancy if the order had not been made.

Textual Amendments

- F1** Words in [Sch. 8 para. 3](#) substituted (31.10.1994) by [1994 c. 21, s. 52, Sch. 8 para. 43\(1\)](#) (with [s. 40\(7\)](#)); [S.I. 1994/2553, art. 2](#)

Marginal Citations

- M1** [1950 c. 31.](#)

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