
Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, Paragraph 12. (See end of Document for details)

SCHEDULES

SEVENTH SCHEDULE

ADJUSTMENTS BETWEEN LANDLORDS AND TENANTS AND IN RESPECT OF MORTGAGES AND MINING LEASES AND ORDERS

PART II

OTHER LAND

- 12 (1) The provisions of this paragraph shall apply where—
- (a) immediately before the operative date of a compulsory rights order, any of the land comprised in the order was subject to a tenancy, but [^{F1}was not comprised in a tenancy in relation to which the Act of 1986 applies or in a farm business tenancy], and
 - (b) the tenancy continues until after the end of the period of occupation.
- (2) The landlord or the tenant of the holding may, by notice in writing served on his tenant or landlord, demand a reference to the court of the question whether any of the terms and conditions of the contract of tenancy (including any term or condition as to rent) should be varied in consequence of any change in the state of the holding resulting from the occupation or use of the land in the exercise of rights conferred by the compulsory rights order.
- (3) On a reference under this paragraph the court shall determine what variations (if any) should be made in the terms and conditions of the contract of tenancy, as mentioned in the last preceding sub-paragraph, and the date (not being earlier than the end of the period of occupation) from which any such variations are to take effect or to be treated as having taken effect; and as from that date the contract of tenancy shall have effect, or, as the case may be, shall be treated as having had effect, subject to any variations determined by the court under this paragraph.
- (4) In this paragraph “the court” means the court exercising, in accordance with the provisions of section sixty-three of the ^{M1}Landlord and Tenant Act 1954, the jurisdiction conferred on the tribunal by Part I of the ^{M2}Landlord and Tenant Act 1927; and the provisions of the said section sixty-three shall apply, in relation to references under this paragraph, as they apply in relation to matters which, by virtue of the said Part I, are required to be determined by the tribunal thereunder.

Textual Amendments

F1 Words in Sch. 7 para. 12(1)(a) substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), Sch. para. 20(12) (with s. 37)

Marginal Citations

M1 1954 c. 56.

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M2 [1927 c. 36.](#)

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