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**Changes to legislation:** There are currently no known outstanding effects for the Opencast Coal Act 1958, Cross  
Heading: Apportionment of annual compensation in respect of parts of a year. (See end of Document for details)

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## SCHEDULES

### SIXTH SCHEDULE

#### APPLICATION OF COMPENSATION PROVISIONS TO SPECIAL CASES

##### *Apportionment of annual compensation in respect of parts of a year*

- 26 (1) Where, in consequence of any such act or event as is mentioned in paragraph 1 of this Schedule, a part of a holding is to be treated as a separate holding as mentioned in that paragraph (or in that paragraph as applied by paragraph 5 of this Schedule), and that act or event occurs during the course of the year beginning with the operative date of the compulsory rights order in question, or in the course of a year beginning with an anniversary of that date, the provisions of Part II of this Act, and the provisions of this Schedule other than this sub-paragraph, shall apply—
- (a) in relation to the entirety of the holding, with respect to the part of that year ending with that act or event, and
  - (b) in relation to each of those separate holdings, with respect to the part of that year after that act or event,
- as if any reference in those provisions to a year included a reference both to the part of that year ending with that act or event and to the part of that year after that act or event.
- (2) Where in consequence of any act or event occurring on or after the operative date of a compulsory rights order and before the end of the period of occupation, other than any such act or event as is mentioned in the preceding sub-paragraph,—
- (a) one person would (apart from this sub-paragraph) be entitled to compensation for any year in respect of a holding if that act or event had occurred before the beginning of that year, and
  - (b) another person would (apart from this sub-paragraph) be entitled to compensation for that year in respect of the holding if that act or event had occurred after the end of that year,
- the provisions of Part II of this Act, and the provisions of this Schedule other than this sub-paragraph, shall apply as if any reference to a year included a reference both to the part of that year ending with that act or event and to the part of that year after that act or event.
- (3) For the purposes of the application of the provisions of Part II of this Act, or of the provisions of this Schedule other than this sub-paragraph, to a compulsory rights order which has effect only for part of a year, or for one or more complete years followed by part of another year, any reference in those provisions to a year shall be construed as including a reference to that part of a year.
- (4) In the application of any of the said provisions to a part of a year, in accordance with the preceding provisions of this paragraph, any reference to annual value, or to any other amount which is required to be assessed by reference to a year, shall be construed as a reference to so much of the annual value for that year, or of the amount in question assessed by reference to that year, as (on a rateable apportionment of that

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value or amount as between different parts of that year) is properly attributable to that part of that year.

<sup>F1</sup>(5) This paragraph shall not apply in relation to any compensation the entitlement to which is apportioned in accordance with section 17(3A) of this Act.

**Textual Amendments**

**F1** Sch. 6 para. 26(5) inserted (S.) (31.10.1994) by 1994 c. 21, s. 52, Sch. 8 para. 42(4)(6) (with s. 40(7)); S.I. 1994/2553, art. 2

- 27 Sub-paragraphs (2) to (4) of the last preceding paragraph shall have effect (with the necessary modifications) in relation to compensation under paragraph 4, paragraph 5 or paragraph 12 of the Fifth Schedule to this Act as they have effect in relation to annual compensation in respect of a holding to which section seventeen of this Act applies.
- 28 (1) Where, in the case of land to which section thirty-two of this Act applies in relation to a compulsory rights order, a person is the owner of that land for part, but not the whole, of a year, subsection (2) of that section shall apply as if any reference to a year included a reference to that part of a year.
- (2) The preceding sub-paragraph shall have effect without prejudice to the operation of sub-paragraph (3) of paragraph 26 of this Schedule, where the said sub-paragraph (3) is applicable; and sub-paragraph (4) of that paragraph shall have effect in relation to the preceding sub-paragraph as it has effect in relation to sub-paragraphs (1) to (3) of that paragraph.

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