

## SCHEDULES

### THIRD SCHEDULE

#### PROVISIONS AS TO COMPENSATION BY WAY OF PAYMENT OF COST OF WORKS

- 7 (1) In sub-paragraph (e) of paragraph 4 of this Schedule, the reference to default on the part of the owner or of an occupier of the land shall be construed in accordance with the following provisions of this paragraph.
- (2) In relation to agricultural land, the reference to default on the part of the owner shall be construed as a reference to failure on his part to manage the land in accordance with the rules of good estate management, and the reference to default on the part of an occupier of the land shall be construed as a reference to failure on the part of such an occupier to fulfil his responsibilities to farm the land in accordance with the rules of good husbandry.
- (3) In relation to any other land, the reference to default on the part of the owner shall be construed as a reference to failure on his part to deal with the land in a proper and due course of management, and the reference to default on the part of an occupier of the land shall be construed as a reference to failure on the part of such an occupier to maintain and use the land in a reasonable manner.
- (4) Sections ten and eleven of the <sup>M1</sup>Agriculture Act 1947 (which prescribe tests for determining good estate management and good husbandry) shall apply for the purposes of sub-paragraph (2) of this paragraph.
- (5) In the application of this paragraph to Scotland, for the reference to sections ten and eleven of the <sup>M2</sup>Agriculture Act 1947, there shall be substituted a reference to the Fifth and Sixth Schedules to the <sup>M3</sup>Agriculture (Scotland) Act 1948.

#### Marginal Citations

**M1** 1947 c. 48.

**M2** 1947 c. 48.

**M3** 1948 c. 45.

**Changes to legislation:**

There are currently no known outstanding effects for the Opencast Coal Act 1958, Paragraph 7.