



Opencast Coal Act 1958

1958 CHAPTER 69 6 and 7 Eliz 2

PART II

COMPENSATION FOR COMPULSORY RIGHTS ORDERS

Compensation in respect of agricultural land

27 Compensation in respect of forced sales.

- (1) Where, in consequence of the confirmation of a compulsory rights order, a person incurs a loss in respect of a forced sale of any property consisting of—
- livestock, vehicles, plant, equipment or other chattels which are kept on a holding to which (when the order becomes operative) section seventeen of this Act applies, or which are used for the purposes of such a holding, or
 - a fixture or building (not falling within the preceding paragraph) which he has removed from such a holding in pursuance of [^{F1}section 10 of the Act of 1986],

he shall, subject to the following provisions of this section, be entitled to compensation from [^{F2}the person on whose application the compulsory rights order was made] of an amount equal to that loss.

- (2) The preceding subsection shall not apply except where the person incurring the loss is the person who is for the time being entitled to occupy so much of the holding as is comprised in the order, or would be entitled for the time being to occupy it if the order had not been made.

[^{F3}(2A) Where, in the case of any sale in respect of which compensation is payable under this section, a person other than the person who applied for the order is entitled, on the effective date of the sale, to the rights conferred by the compulsory rights order, that compensation shall be payable by the person entitled to those rights, instead of by the person who applied for the order.]

- (3) A person shall not be entitled to compensation under this section in respect of a forced sale unless he has given to [^{F4}the person potentially liable] not less than ten days' notice of the intended sale, and has, before the sale, afforded to [^{F4}the person to whom

Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, Section 27. (See end of Document for details)

the notice was given, or any person designated for the purpose by him,] reasonable facilities to inspect the property intended to be sold, in so far as he was in a position to afford such facilities.

(4) In the application of this section to Scotland, for the reference to [^{F5}section 10 of the Act of 1986] there shall be substituted a reference to [^{F6}section 18 of the Scottish Act of 1991].

^{F7}(5) In this section—

“effective date”, in relation to a sale, means the date on which the property sold becomes the property of the purchaser; and

“the person potentially liable”, in relation to a notice relating to a sale, means the person on whom the liability to pay the compensation will fall on the effective date of the sale if the person entitled to the rights conferred by the compulsory rights order in question does not change before that date.

Textual Amendments

- F1** Words substituted by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 29(2)**
- F2** Words in s. 27(1) substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 21(1)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F3** S. 27(2A) inserted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 21(2)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F4** Words in s. 27(3) substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 21(3)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F5** Words substituted by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 29(3)**
- F6** Words in s. 27(4) substituted (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88, 89(2), **Sch. 11 para. 16** (with s. 45(3), Sch. 12 para. 3)
- F7** S. 27(5) inserted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 21(4)** (with s. 40(7)); S.I. 1994/2553, **art. 2**

Changes to legislation:

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