

## SCHEDULE 4 MINOR AND CONSEQUENTIAL AMENDMENTS

### *Opencast Coal Act 1958*

- 4 (1) The Opencast Coal Act 1958 is amended as follows.
- (2) In section 41 (provisions as to allotment gardens and other allotments), in subsection (3), for the words from “the”, where it third occurs, to the end, substitute “section 107 of the Community Empowerment (Scotland) Act 2015”.
- (3) In the Eighth Schedule (tenancies of allotment gardens and other allotments), in paragraph 10—
- (a) for sub-paragraph (a), substitute—  
“(a) paragraph 1 applies as if sub-paragraph (2) were omitted;”,
- (b) for sub-paragraph (b), substitute—  
“(b) sub-paragraph (1) of paragraph 3 applies as if for “the Act of 1908 or the Act of 1922 or the Allotments Act, 1950, or by virtue of any other enactment relating to allotments” there were substituted “Part 9 of the Community Empowerment (Scotland) Act 2015;”,
- (c) for sub-paragraph (c), substitute—  
“(c) sub-paragraph (2) of paragraph 3 applies as if—  
(i) for “any of the enactments mentioned in the next following sub-paragraph” there were substituted “Part 9 of the Community Empowerment (Scotland) Act 2015 (but excluding any compensation for disturbance)”,  
(ii) “garden” were omitted, and  
(iii) for “subsection (2) of section two of the Act of 1922” there were substituted “section 127(2) of the Community Empowerment (Scotland) Act 2015;”,
- (d) in sub-paragraph (e), for the words from “for” to the end, substitute “any reference to the Allotments Act, 1950 is to be read as a reference to Part 9 of the Community Empowerment (Scotland) Act 2015”, and
- (e) for sub-paragraph (f), substitute—  
“(f) sub-paragraph (1) of paragraph 5 applies as if for “section four or section five of the Act of 1922, or of subsection (4) of section forty-seven of the Act of 1908” there were substituted “section 132 of the Community Empowerment (Scotland) Act 2015;”,