

## SCHEDULES

### SCHEDULE 8

#### AMENDMENTS OF THE OPENCAST COAL ACT 1958

##### *Annual compensation*

- 15 (1) In subsection (1) of section 17 (general provisions as to annual compensation)—
- (a) the words “by the Corporation” shall be omitted; and
  - (b) in paragraph (b), after “falls” there shall be inserted “wholly or partly”.
- (2) After that subsection there shall be inserted the following subsection—
- “(1A) Subject (where different persons have been entitled to the rights for different parts of the year) to any apportionment under section 35(3) of this Act, the liability to pay compensation under this section shall fall on the persons who, for the whole or any part of the year in question, have been entitled to the rights conferred by the order.”
- (3) In subsection (2) of that section, for “in the Corporation” there shall be substituted “in the Coal Authority or the person entitled to rights conferred by the order”.
- (4) In subsection (3) of that section—
- (a) at the beginning there shall be inserted the words “Subject to subsection (3A) of this section,”; and
  - (b) the words “by the Corporation” shall be omitted.
- (5) After that subsection there shall be inserted the following subsections—
- “(3A) Where—
- (a) any compensation is payable for any year by virtue of this section in respect of any holding, and
  - (b) the amount of that compensation falls to be calculated in accordance with section 18 of this Act by reference to the market value of rights which, if the compulsory rights order were not in force, could not be conferred for that year or any part of it except by or with the consent of one or more persons who are included in the persons directly concerned but do not fall within subsection (3) of this section,
- the entitlement to that compensation shall be apportioned, according to the extent to which those rights could not be conferred for that year or part of a year without their participation or consent, between those persons and any person falling within that subsection.
- (3B) Subject to subsection (3C) of this section, the persons entitled under subsection (3A) of this section to a share of any compensation shall include persons whose participation in or consent to the conferring of any right would be required if the right were conferred at some time after the beginning of the year or part of a year in question; and any apportionment under

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*Status: This is the original version (as it was originally enacted).*

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subsection (3A) of this section shall take account of the length of the period for which any person is, during that year or part of a year, a person without whose participation or consent any right could not be conferred.

(3C) No person shall be entitled under subsection (3A) of this section to any share of any compensation in respect of any such easement or right as might give rise to an entitlement to compensation under section 31 of this Act.”

(6) Subsection (4) of that section shall cease to have effect.

(7) Sub-paragraphs (5) and (6) above shall not apply in relation to any compulsory rights order confirmed before the restructuring date.