

SCHEDULES

SEVENTH SCHEDULE

ADJUSTMENTS BETWEEN LANDLORDS AND TENANTS AND IN RESPECT OF MORTGAGES AND MINING LEASES AND ORDERS

PART I

AGRICULTURAL HOLDINGS

- 4 (1) The provisions of this paragraph shall apply where—
- (a) immediately before the operative date of a compulsory rights order, any of the land comprised in the order consisted of or included an agricultural holding or part of an agricultural holding, and
 - (b) the tenancy relating to that holding continues until after the end of the period of occupation.
- (2) The landlord or the tenant of the agricultural holding may, by notice in writing served on his tenant or landlord, demand a reference to arbitration under the [F¹Act of 1986] of the question whether any of the terms and conditions of the contract of tenancy (including any term or condition relating to rent) should be varied in consequence of any change in the state of the land resulting from the occupation or use of the land in the exercise of rights conferred by the order.
- (3) On a reference under this paragraph the arbitrator shall determine what variations (if any) should be made in the terms and conditions of the contract of tenancy, as mentioned in the last preceding sub-paragraph, and the date (not being earlier than the end of the period of occupation) from which any such variations are to take effect or to be treated as having taken effect; and as from that date the contract of tenancy shall have effect, or, as the case may be, shall be treated as having had effect, subject to any variations determined by the arbitrator under this paragraph.
- (4) [F²section 84 of the Act of 1986] shall apply to references to arbitration by virtue of this paragraph as it applies to matters which by virtue of the [F²Act of 1986] are required to be determined by arbitration thereunder.
- (5) The provisions of this paragraph shall not affect any right of the landlord or the tenant, or the jurisdiction of the arbitrator, under [F³section 12 or section 13 of the Act of 1986]; but where there is a reference to arbitration under either of those sections and under this paragraph in respect of the same agricultural holding, and it appears to the arbitrator that the reference under that section relates wholly or mainly to the consequences of the occupation or use of the land in the exercise of rights conferred by the order, he may direct that proceedings on the two references shall be taken concurrently.

Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, Paragraph 4. (See end of Document for details)

- (6) In the last preceding sub-paragraph references to [^{F4}section 13 of the Act of 1986] include references to the provisions of that section as applied by paragraph 3 of this Schedule.
- [^{F5}(7) In this paragraph “agricultural holding” does not include an agricultural holding held under a farm business tenancy.]

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. 33(5)(a)**
- F2** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 33(5)(b)**
- F3** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 33(5)(c)**
- F4** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 33(5)(d)**
- F5** [Sch. 7 para. 4\(7\)](#) added (1.9.1995) by [1995 c. 8, ss. 40, 41\(2\)](#), **Sch. para. 20(6)** (with s. 37)

Changes to legislation:

There are currently no known outstanding effects for the Opencast Coal Act 1958, Paragraph 4.