

SCHEDULES

SEVENTH SCHEDULE

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

PART IV

PROVISIONS AS TO MINING LEASES AND ORDERS

- 17 (1) The provisions of this Part of this Schedule shall have effect where the land comprised in a compulsory rights order consists of or includes land which, immediately before the operative date of the order, is subject to a mining lease or order conferring working rights the benefit of which is held for the purposes of a mineral undertaking.
- (2) In this Part of this Schedule “the mineral operator” and “the relevant rights and facilities”, in relation to such a mining lease or order as is mentioned in the preceding sub-paragraph, have the same meanings as in the Fifth Schedule to this Act.
- 18 The provisions of the mining lease or order shall have effect subject to the provision that the aggregate amount of the rent, royalties and other sums payable by the mineral operator by virtue of the lease or order for any year which is either—
- (a) the year beginning with the operative date of the compulsory rights order, or
 - (b) a year beginning with an anniversary of that date and falling within the period of occupation,
- shall not exceed the aggregate amount of the rent, royalties and other sums which would have been payable by the mineral operator thereunder for that year if the compulsory rights order had not been made, and he had exercised the relevant rights and facilities in the manner in which, and to the extent to which, he might reasonably have been expected to exercise them in those circumstances.

Changes to legislation:

There are currently no known outstanding effects for the Opencast Coal Act 1958, Part IV.