

Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, Cross
Heading: Changes in right of occupation, or division of ownership of holding. (See end of Document for details)

SCHEDULES

SIXTH SCHEDULE

APPLICATION OF COMPENSATION PROVISIONS TO SPECIAL CASES

Changes in right of occupation, or division of ownership of holding

- 1 (1) Subject to the next following paragraph, where a compulsory rights order comprises the whole or part of a holding to which section seventeen of this Act applies, and at any time on or after the operative date and before the end of the period of occupation an act or event occurs whereby—
- (a) one person becomes the person who is for the time being entitled to occupy part of that holding or who would be so entitled if the order had not been made, and
 - (b) another person becomes the person who is for the time being entitled to occupy another part of that holding or who would be so entitled if the order had not been made,
- the following provisions of this paragraph shall have effect.
- (2) As from the occurrence of that act or event, each of those parts of the holding shall be treated, for the purposes of sections [F117 and 18] of this Act, as if it were a separate holding, and were a holding to which section seventeen of this Act applied:

Provided that no compensation shall be payable by virtue of section seventeen of this Act in respect of land which (in accordance with the preceding provisions of this sub-paragraph) is to be treated as a separate holding, but does not include any of the land comprised in the compulsory rights order.

Textual Amendments

- F1** Words in [Sch. 6 para. 1\(2\)](#) substituted (31.10.1994) by [1994 c. 21, s. 52, Sch. 8 para. 42\(1\)\(6\)](#) (with [s. 40\(7\)](#)); [S.I. 1994/2553, art. 2](#)

- 2 Where a compulsory rights order comprises the whole or part of a holding to which section seventeen of this Act applies, and at any time on or after the operative date and before the end of the period of occupation a new tenancy is created which comprises the holding or any part thereof, that tenancy shall be disregarded for the purposes of sections [F217 and 18] of this Act, and for the purposes of the preceding paragraph, and the provisions of those sections and of that paragraph shall apply as if that tenancy had not been created.

Textual Amendments

- F2** Words in [Sch. 6 para. 2](#) substituted (31.10.1994) by [1994 c. 21, s. 52, Sch. 8 para. 42\(2\)\(6\)](#) (with [s. 40\(7\)](#)); [S.I. 1994/2553, art. 2](#)

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F3₃

Textual Amendments
F3 Sch. 6 para. 3 repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 11 Pt. III (with s. 40(7)); S.I. 1994/2552, art. 2, Sch. 1 Appendix

- 4 (1) The provisions of this paragraph shall have effect where a compulsory rights order comprises the whole or part of a holding to which section twenty-one of this Act applies, and at the end of the period of occupation one person is the owner of part of that holding and another person is the owner of another part thereof.
- (2) For the purposes of sections twenty-one to twenty-three of this Act, each of those parts of the holding shall be treated as if it were a separate holding, and were a holding to which section twenty-one of this Act applied:

Provided that no compensation shall be payable by virtue of any of those sections in respect of land which (in accordance with the preceding provisions of this subparagraph) is to be treated as a separate holding, but does not include any of the land comprised in the compulsory rights order.

[^{F4}4A Where a compulsory rights order comprises the whole or part of a holding to which section 21 of this Act applies, and at the end of the period of occupation one person is entitled to occupy part of that holding and another person is entitled to occupy another part of that holding, each of those parts of the holding shall be treated for the purposes of section 23A of this Act as if it were a separate holding, and were a holding to which section 21 of this Act applied.]

Textual Amendments
F4 Sch. 6 para. 4A inserted by Coal Industry Act 1975 (c. 56), s. 6(3)

- 5 The provisions of paragraphs 1 to 4 of this Schedule shall (with the necessary modifications) have effect in relation to a holding to which section twenty-nine of this Act applies as they have effect in relation to a holding to which sections seventeen and twenty-one of this Act apply.
- 6 In the following paragraphs of this Schedule, any reference to a holding, in relation to any provisions of Part II of this Act, includes a reference to land which, in accordance with any of the preceding paragraphs of this Schedule, is to be treated as if it were a separate holding for the purposes of those provisions.

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