
STATUTORY INSTRUMENTS

2004 No. 1964

The Fur Farming (Compensation Scheme) (England) Order 2004

Determination as to amount

- 6.—(1) Schedule 5 shall apply in relation to a determination as to amount.
- (2) The Secretary of State shall make a determination as to amount in respect of an entitled applicant specifying the amount which, on the basis of the information provided in that entitled applicant's application and any other relevant information available to her, she considers is due to that entitled applicant in accordance with the provisions of Schedule 6.
- (3) The Secretary of State may revise a determination as to amount either—
- (a) in accordance with paragraph 6(1)(a) of Schedule 5;
 - (b) following an arbitration in accordance with section 5(5) of the Act; or
 - (c) following a reference to the Lands Tribunal in accordance with section 5(6) of the Act.
- (4) The Secretary of State shall revise a determination as to amount in accordance with paragraph (3) to the extent (if any) that either—
- (a) an arbitrator finds in favour of the applicant following a reference by agreement in accordance with section 5(5) of the Act; or
 - (b) the Lands Tribunal finds in favour of the applicant following a reference in accordance with section 5(6) of the Act.
- (5) The Secretary of State may also revise a determination as to amount at any time within six years of the date on which it was originally made if—
- (a) either—
 - (i) she believes that any information supplied to her in support of an application was inaccurate in any material respect, or
 - (ii) new information (including information relating to a change in circumstances), which is relevant and material to an application, becomes available to her; and
 - (b) she is satisfied that the amount payable to the person in respect of whom the determination as to amount was made is different from the amount specified in the determination as to amount.
- (6) Where there has been a change of circumstances which is relevant and material to an application, the Secretary of State may revise a determination as to amount under paragraph (5), irrespective of whether or not—
- (a) the information provided in the application was correct at the time when it was submitted to her, or
 - (b) the amount specified in the original determination as to amount was correctly calculated on the basis of the information provided in the application and any other relevant information available to her at the time.

(7) Where the Secretary of State revises a determination as to amount in accordance with this article, she shall notify the person in respect of whom the determination as to amount was made that she has done so and paragraphs 4 to 9 of Schedule 5 shall apply.

(8) Where—

- (a) a person in respect of whom a determination as to amount has been made subsequently realises a relevant planning gain on the sale of a restricted property, and
- (b) the amount to be deducted in accordance with Part 9 of Schedule 6 from the compensation otherwise payable to that entitled applicant is equal to or exceeds the amount payable in accordance with Parts 3 to 8 of Schedule 6,

the Secretary of State shall specify in her revised determination as to amount that the amount of compensation payable to that person is zero.

(9) A determination as to amount made in respect of any person whose determination of entitlement is revoked in accordance with article 5(4) shall automatically be revoked.