

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 seventeen to nineteen 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.
- 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 seventeen to twenty 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.
- 3 (1) Where by virtue of section seventeen of this Act compensation is payable for any year in respect of a holding to which that section applies (or to which, in accordance with the preceding provisions of this Schedule, it is to be treated as applying), and the person entitled to that compensation is not the person who was entitled to occupy the holding on the operative date (in this paragraph referred to as "the original occupier") and is not a person who has become entitled to the relevant interest in the holding—
- (a) on or after the death of the original occupier, in accordance with the disposition of the original occupier's estate effected by his will, or the law relating to intestacy, or the combination of his will and that law, or
 - (b) under an agreement which was made for valuable consideration by the person entitled to the compensation and was in force immediately before the

Status: This is the original version (as it was originally enacted).

operative date, or under a disposition creating or transferring the relevant interest in the holding in pursuance of such an agreement,
the compensation payable to him for that year shall not include any sum assessed in accordance with the provisions of section nineteen of this Act.

- (2) In this paragraph "the relevant interest", in relation to a person entitled to compensation for any year in respect of a holding, means the interest in or right over the holding by virtue of which he is entitled to that compensation ; " will " includes a codicil; and " disposition", where the reference is to a disposition creating or transferring an interest, does not include any provision contained in a will, but, with that exception, includes any conveyance, assignment, lease or other assurance.
- 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.
- 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.