



# Opencast Coal Act 1958

## 1958 CHAPTER 69

### PART II

#### COMPENSATION FOR COMPULSORY RIGHTS ORDERS

##### *Compensation in respect of agricultural land*

#### **18 Compensation by reference to annual value**

- (1) The compensation payable for any year in respect of a holding to which the last preceding section applies, as mentioned in paragraph (a) of subsection (4) of that section, shall be a sum equal to the annual value of the holding for that year, reduced by the annual value for that year of so much (if any) of the holding as is not comprised in the compulsory rights order.
- (2) For the purposes of this section the annual value of any land for any year shall be taken to be an amount equal to the annual rent at which, immediately before the beginning of that year, that land, in the appropriate circumstances, might reasonably have been expected to let from year to year under a contract of tenancy whereby the tenant undertook—
  - (a) to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the land in a state to command that rent, and
  - (b) not to carry out any operations on the land, or to make any change in the use thereof, for which (apart from this Act) permission would be required under Part III of the Act of 1947, except any operations for which such permission has been granted and is in force immediately before the beginning of that year.
- (3) In determining for any year the annual value of the entirety of a holding, the appropriate circumstances, for the purposes of the last preceding subsection, shall be taken to be the circumstances which would have existed, immediately before the beginning of that year, if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the compulsory rights order had not been made, and the authorisation referred to in that order had not been granted and no application had been made for such an authorisation;
  - (b) the land had then been in the state in which it was immediately before the operative date of the order; and
  - (c) the land had then been available for letting with vacant possession.
- (4) In determining for any year the annual value of land constituting so much of a holding as is not comprised in the compulsory rights order in question, the appropriate circumstances, for the purposes of subsection (2) of this section, shall be taken to be the circumstances which would have existed, immediately before the beginning of that year, if (all other relevant factors being taken to be as they actually were at that time) that land had been in the state in which it was immediately before the operative date, and had been available for letting with vacant possession.
- (5) In the application of this section to Scotland, for the reference to Part III of the Act of 1947 there shall be substituted a reference to Part II of the Scottish Act of 1947.