



# Opencast Coal Act 1958

## 1958 CHAPTER 69

### PART II

#### COMPENSATION FOR COMPULSORY RIGHTS ORDERS

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

#### **28 Special provisions as to market gardens**

- (1) The provisions of this section shall have effect where the land comprised in a compulsory rights order consists of or includes land which, immediately before the date of entry, was agricultural land used as a market garden.
- (2) Subject to the next following subsection, section twenty-six of this Act shall have effect in relation to that land as if the descriptions of improvements specified in Part VI of the Fourth Schedule to this Act were included among the descriptions of improvements specified in Part I of that Schedule.
- (3) Where the land in question, immediately before the date of entry, was occupied by a tenant, the last preceding subsection shall not apply to any improvements of a description specified in Part VI of the Fourth Schedule to this Act unless they are improvements in respect of which section sixty-seven of the Act of 1948 (which relates to market gardens) has effect, whether by virtue of an agreement or of a direction given under subsection (1) of section sixty-eight of that Act.
- (4) In relation to land falling within subsection (1) of this section, any reference in the preceding provisions of this Part of this Act to rights under section thirteen of the Act of 1948 shall include a reference to rights under that section as extended by paragraph (b) of subsection (1) of section sixty-seven of the Act of 1948.
- (5) If, by virtue of the power conferred by section seventy-eight of the Act of 1948, the provisions of the Fifth Schedule to that Act are varied, the Minister may by order make such corresponding variations in the provisions of Part VI of the Fourth Schedule to this Act as he may consider appropriate.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In the application of this section to Scotland, for the references to section sixty-seven of the Act of 1948 and to paragraph (b) of subsection (1) of that section, there shall be substituted respectively references to section sixty-five of the Scottish Act of 1949 and to paragraph (b) of subsection (1) of that section; for the references to subsection (1) of section sixty-eight of the Act of 1948 and to section thirteen of that Act there shall be substituted respectively references to subsection (1) of section sixty-six of the Scottish Act of 1949 and to section fourteen of that Act; for the references to section seventy-eight of the Act of 1948 and to the Fifth Schedule to that Act there shall be substituted respectively references to section seventy-nine of the Scottish Act of 1949 and to the Fourth Schedule to that Act; and for the reference to Part I of the Fourth Schedule to this Act there shall be substituted a reference to Part IV of that Schedule.