
Status: Point in time view as at 27/11/2003.

Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, Part VI. (See end of Document for details)

SCHEDULES

SEVENTH SCHEDULE

ADJUSTMENTS BETWEEN LANDLORDS AND TENANTS AND IN RESPECT OF MORTGAGES AND MINING LEASES AND ORDERS

PART VI

APPLICATION TO SCOTLAND

- 25 In the application of this Schedule to Scotland—
- ^{F1}[(a) ^{F2}subject to sub-paragraphs (ba), (bc), (bd)(i) and (be) of this paragraph,]for references—
- (i) ^{F3}to the Act of 1986 and to sections 12, 13 and 84 of that Act there shall be substituted respectively references to (as the case may be)—
- (A) the Scottish Act of 1991 and to sections 13, 15 and 61 of that Act; or
- (B) the Scottish Act of 2003 and to sections 9, 10 and 77 or 78 of that Act; and
- (ia) to section 23 of the Act of 1986 there shall be substituted a reference to section 10 of the Scottish Act of 1991; and]
- (ii) to section 10 of the Act of 1986 and to subsections (3) and (4) of that section there shall be substituted respectively references to section 18 of the Scottish Act of 1991 and to subsections (2) and (3) of that section; and
- (iii) to subsection (3) of section 79 of the Act of 1986 there shall be substituted references to section 40(4)(a) of the Scottish Act of 1991.
- (b) ^{F4}for references to an arbitrator there shall be substituted references to an arbiter or, as the case may be, to the Scottish Land Court.]
- ^{F5}(ba) in sub-paragraph (1) of paragraph 2, the words “held under a tenancy in relation to which the Act of 1986 applies” shall be omitted;
- (bb) sub-paragraph (7) of paragraph 4 shall be omitted;
- (bc) in sub-paragraph (1) of paragraph 5, the words “held under a tenancy in relation to which the Act of 1986 applies” shall be omitted;
- (bd) in paragraph (6)—
- (i) for paragraphs (a) and (b) of sub-paragraph (1) there shall be substituted the words “an agricultural holding”; and
- (ii) sub-paragraph (2A) shall be omitted;
- (be) in sub-paragraph (1)(a) of paragraph 12, for the words “was not comprised in a tenancy in relation to which the Act of 1986 applies or in a farm business tenancy” there shall be substituted the words “did not constitute or form part of an agricultural holding”;

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- (c) paragraphs [^{F6}1A, 2A, 3A, 4A, 7, 7A] and 13 shall be omitted;
- (d) for any reference to a holding to which Part I of the ^{M1}Landlord and Tenant Act 1927, applies there shall be substituted a reference to a holding the tenant of which is entitled by the terms of his lease to claim compensation in respect of improvements, and any reference to the said Part I or to a tenant entitled to compensation thereunder shall be construed accordingly;
- (e) in paragraph 12 for sub-paragraph (4) there shall be substituted the following sub-paragraph:—
 - “(4) In this paragraph ”the court’ means the sheriff having jurisdiction in the place where the holding, or any part of it, is situated”
- (f) in Part III references to a mortgage shall be omitted;
- (g) Part V shall be omitted.

Textual Amendments

- F1** Sch. 7 para. 25(a) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88, 89(2), **Sch. 11 para.21** (with s. 45(3), Sch. 12 para. 3)
- F2** Words in Sch. 7 para. 25(a) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 20(14)(a)** (with s. 37)
- F3** Sch. SEVENTH para. 25(a)(i)(ia) substituted for Sch. SEVENTH para. 25(a)(i) (S.) (27.11.2003) by [Agricultural Holdings \(Consequential Amendments\) \(Scotland\) Order 2003 \(S.S.I. 2003/583\)](#), art. 1, **Sch. para. 7(a)**
- F4** Sch. SEVENTH para. 25(b) substituted (S.) (27.11.2003) by [Agricultural Holdings \(Consequential Amendments\) \(Scotland\) Order 2003 \(S.S.I. 2003/583\)](#), art. 1, **Sch. para. 7(b)**
- F5** Sch. 7 para. 25(ba)-(be) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 20(14)(b)** (with s. 37)
- F6** Words in Sch. 7 para. 25(c) substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 20(14)(c)** (with s. 37)

Marginal Citations

- M1** 1927 c. 36.

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