



# Coal Mining Subsidence Act 1991

## CHAPTER 45

### COAL MINING SUBSIDENCE ACT 1991

#### PART I

##### PRELIMINARY

- 1 Subsidence damage to which Act applies

#### PART II

##### REMEDIAL ACTION

##### *General*

- 2 Duty to take remedial action
- 3 Notice of subsidence damage
- 4 Initial response to damage notice
- 5 Determination of appropriate remedial action
- 6 Schedule of remedial works

##### *The kinds of remedial action available*

- 7 Execution of remedial works
- 8 Discretionary payments in lieu
- 9 Obligatory payments in lieu
- 10 Discretionary depreciation payments
- 11 Obligatory depreciation payments
- 12 Payments in respect of emergency works

##### *Payments in lieu and depreciation payments*

- 13 Payments in lieu
- 14 Depreciation payments: general

## 15 Recipients of depreciation payments

*Further damage*

- 16 Stop notices where further damage is likely
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**PART III**

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*Agricultural losses*

- 26 Farm loss payments
- 27 Crop loss payments
- 28 Payments for tenant farmers

*Miscellaneous*

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**PART IV**

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- 33 Existing buildings, structures or works
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- 42 Disputes about access etc. to premises
- 43 Determination of disputes by arbitration
- 44 Time limits for certain disputes
- 45 Investigation of complaints

*Notices, information and reports*

- 46 Notices to property owners etc
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- 48 Provision of information on request
- 49 Reports on operation of Act

*General*

- 50 Regulations and orders
- 51 Service of documents
- 52 Interpretation etc
- 53 Transitional provisions, savings and repeals
- 54 Short title, commencement and extent

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SCHEDULES

SCHEDULE 1 — Determination of Amount of Depreciation Payments

*Units of property*

- 1 (1) Subject to sub-paragraph (2) below, the unit of property...

*Basis of valuation*

- 2 (1) For any purposes of section 10 or 11 of...

*Amount of depreciation*

- 3 (1) For the purposes of section 10 or 11 of...

*Interest on depreciation payments*

- 4 (1) Subject to sub-paragraph (2) below, so much of the...

SCHEDULE 2 — Recipients of Depreciation Payments: Special Cases

*Mortgages*

- 1 (1) Subject to paragraph 2 below, where the Corporation are...
- 2 (1) The following provisions of this paragraph apply in the...

*Rentcharges*

- 3 (1) The Secretary of State may by regulations make provision...

*Settlements etc.*

- 4 (1) Where in the case of property situated in England...

*Effect of devises or bequests*

- 5 Where the interest in the property in question of the...

*Sale and compulsory acquisition*

- 6 (1) Where the interest in the property in question of...

## SCHEDULE 3 — Property Belonging to Protected Tenants

*Protected tenant treated as liable to make good the damage*

- 1 (1) Subject to paragraph 2 below, the protected tenant shall...

*Circumstances in which Schedule applies*

- 2 (1) Where in the case of any damaged property—

*Supplemental*

- 3 The following enactments, namely— (a) section 8(1) of the Small...

## SCHEDULE 4 — Home Loss Payments

*Right to home loss payment*

- 1 (1) Subject to the provisions of this Schedule, any person...

*Amount of home loss payment*

- 2 (1) In the case of a person who on the...

*Supplementary provisions*

- 3 (1) The Corporation shall not be liable to make a...

## SCHEDULE 5 — Relief for Temporary Dispossession

*Preliminary*

- 1 In this Schedule— “the local authority” means the local authority...

*Obligations of Corporation*

- 2 (1) Subject to the following provisions of this Schedule, in...

*Cessation of obligations*

- 3 (1) Subject to sub-paragraphs (2) and (3) below, the obligations...

*Procedural requirements*

- 4 (1) The Corporation shall not be under any obligation by...

*Alternative living accommodation*

5 (1) This paragraph applies where, in pursuance of paragraph 2(1)(a)...

*Supplemental*

6 (1) This paragraph applies where— (a) no damage notice has...  
7 Where the Corporation have elected to make a payment in...

SCHEDULE 6 — Farm Loss Payments

*Right to a farm loss payment*

1 (1) Subject to the provisions of this Schedule, if any...

*Amount of farm loss payment*

2 (1) Subject to the provisions of this paragraph, the amount...

*Supplementary provisions*

3 (1) The Corporation shall not be liable to make a...

SCHEDULE 7 — Transitional Provisions and Savings

*Remedial action*

1 (1) Subject to sub-paragraphs (3) and (4) below, Part II...  
2 (1) In any case where— (a) immediately before the commencement...

*Additional remedies*

3 (1) In Part III of this Act—

*Preventive and other measures*

4 For the purposes of section 33 of this Act (preventive...  
5 (1) For the purposes of section 34 of this Act...  
6 For the purposes of section 36 of this Act (remedial...

*Notices*

7 Where any underground coal-mining operations proposed to be carried  
on...

*Supplemental*

8 In this Schedule— “the 1938 Act” means the Coal Act...

SCHEDULE 8 — Repeals