



# Coal Mining Subsidence Act 1991

## 1991 CHAPTER 45

### PART V

#### SUPPLEMENTAL

##### *Notices, information and reports*

#### **46 Notices to property owners etc.**

- (1) Subject to subsection (2) below, where it is proposed to carry on any underground coal-mining operations, the Corporation—
- (a) shall give to the owners or occupiers of any land which might be affected by subsidence as a result of the operations notice that there is a risk of their land being so affected; and
  - (b) shall give notice that they have done so to any organisation appearing to them to be representative of those owners or occupiers.

<sup>F1</sup>(2) .....

- (3) Where notice has been given under subsection (1)(a) above in respect of any land, the Corporation shall give to the owners or occupiers notice of any of the following facts, that is to say—
- (a) any decision not to proceed with the proposed operations;
  - (b) anything which gives the Corporation reason to believe that there is no longer any risk of the land being affected by subsidence; and
  - (c) the discontinuance of any operations which have been carried on.
- (4) Where notice has been given under subsection (1)(a) above in respect of any land, the Corporation shall from time to time, until notice is given under subsection (3) above in respect of that land, give notice to the owners or occupiers reminding them of any risk there may be of the land being, or having been, affected by subsidence.
- (5) The Secretary of State may by regulations make provision as respects—
- (a) the contents and form of notices under this section;

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- (b) the times at which and the manner in which such notices are to be given;
  - (c) any information [<sup>F2</sup>, forms and documents which are] to accompany such notices.
- (6) If no other time for giving a notice under subsection (4) above is prescribed under subsection (5)(b) above, the Corporation shall give the notice within the period of one year beginning with the date on which the most recent notice under this section was given.
- (7) If no other manner for giving a notice under this section is so prescribed, the Corporation shall take all reasonably practicable steps for bringing the notice to the attention of the person to whom the notice is to be given.
- (8) In this section—
- (a) references to land include references to any buildings, structures or works on, in or over land; and
  - (b) references, in relation to any land, to the owners or occupiers include references to any person who is the owner or occupier of any part of the land or is liable to make good in whole or in part any subsidence damage affecting the land.

**Textual Amendments**

**F1** S. 46(2) repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

**F2** Words in s. 46(5)(c) substituted (31.10.1994) by 1994 c. 21, s. 45(4) (with ss. 40(7), 66); S.I. 1994/2552, **art. 2, Sch. 1**

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**Modifications etc. (not altering text)**

**C1** S. 46 modified (31.10.1994) by 1994 c. 21, s. 43, **Sch. 6 para. 8** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

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**Commencement Information**

**II** S. 46 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, **art. 2**

**47 Notices to local authorities.**

- (1) Subject to subsection (3) below, where it is proposed to carry on any underground coal-mining operations, the Corporation shall give notice of the operations to any local authority whose area includes land which may be affected by subsidence as a result of the operations.
- (2) Subject to subsection (3) below, where any underground coal-mining operations are being carried on, the Corporation shall give notice of such facts as may be prescribed to any local authority whose area includes land which has been or may be affected by subsidence as a result of the operations.
- <sup>F3</sup>(3) .....
- (4) The Secretary of State may by regulations make provision as respects—
- (a) the contents and form of notices under this section;
  - (b) the times at which such notices are to be given;

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- (c) any information [<sup>F4</sup>, forms and documents which are] to accompany such notices.
- (5) Each local authority shall—
  - (a) secure that copies of all notices and other information received by them under this section are made available, at all reasonable times, for inspection by the public free of charge; and
  - (b) provide facilities for obtaining copies of such documents on payment of a reasonable fee.
- (6) In this section “local authority” means—
  - (a) in relation to England <sup>F5</sup>. . . , the council of a district or non-metropolitan county;
  - [<sup>F6</sup>(aa) in relation to Wales, the council of a county or county borough;]
  - (b) in relation to Scotland, a [<sup>F7</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

**Textual Amendments**

- F3** S. 47(3) repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F4** Words in s. 47(4)(c) substituted (31.10.1994) by 1994 c. 21, **s. 45(4)** (with ss. 40(7), 66); S.I. 1994/2552, **art. 2, Sch. 1**
- F5** Words in s. 47(6)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), **Sch. 16 para. 91, Sch. 18** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, **art. 4, Sch. 2**
- F6** S. 47(6)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 91** (with ss. 54(5)(7), 55(5), **Sch. 17 para. 22(1), 23(2)**); S.I. 1996/396, **art. 4, Sch. 2**
- F7** Words in s. 47(6)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 172**; S.I. 1996/323, **art. 4(1)(b)(c)**

**Modifications etc. (not altering text)**

- C2** S. 47 modified (31.10.1994) by 1994 c. 21, s. 43, **Sch. 6 para. 8** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

**Commencement Information**

- I2** S. 47 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, **art. 2**

<sup>F8</sup>**48** .....

**Textual Amendments**

- F8** S. 48 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

**49 Reports on operation of Act.**

- (1) The Secretary of State may give directions to the Corporation requiring them, on or before a specified date or at specified intervals, to make a report to him on, or on any

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specified matters relating to, the operation of this Act during any specified period or periods.

- (2) Directions given under this section may—
- (a) specify the matters to be dealt with, and any particular information to be given, in any such report and the form in which any such report is to be made; and
  - (b) require the Corporation to publish any such report in any specified manner.
- (3) The Secretary of State shall lay before Parliament a copy of every report received by him under this section.

<sup>F9</sup>(4) .....

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**Textual Amendments**

**F9** S. 49(4) repealed (27.3.2004) by Coal industry Act 1994 (c. 21), s. 68(4), **Sch. 11 Pt. III** (with ss. 40(7), 66); S.I. 2004/144, art. 2, Sch.

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**Modifications etc. (not altering text)**

**C3** S. 49 amended (31.10.1994) by 1994 c. 21, s. 43, **Sch. 6 para. 10** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

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**Commencement Information**

**I3** S. 49 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, **art. 2**.

**Changes to legislation:**

There are currently no known outstanding effects for the Coal Mining Subsidence Act 1991,  
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