
Changes to legislation: Coal Mining Subsidence Act 1991, Cross Heading: Circumstances in which Schedule applies is up to date with all changes known to be in force on or before 25 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

PROPERTY BELONGING TO PROTECTED TENANTS

Commencement Information

II Sch. 3 wholly in force at 30. 11. 1991 see [s. 54\(2\)](#) and [S.I. 1991/2508, art.2](#)

Circumstances in which Schedule applies

- 2 (1) Where in the case of any damaged property—
- (a) it is claimed that a person who, apart from the provisions of this Schedule, is neither the owner of, nor liable to make good in whole or in part the damage to, the property falls to be treated as so liable by virtue of paragraph 1 above; and
 - (b) a damage notice is given in respect of the property, whether by that or any other person,
- that person shall not be treated as so liable except in the circumstances mentioned in sub-paragraph (2) below.
- (2) The circumstances referred to in sub-paragraph (1) above are—
- (a) that it is agreed between the person in question and his landlord before the end of the period of one month beginning with the first giving of a damage notice in respect of the property, or it is determined in proceedings by virtue of paragraph 1(4) above begun before the end of that period, that he is a protected tenant and the property belongs to him; and
 - (b) that notice of that agreement or of the beginning of those proceedings has been given to the Corporation before the end of that period.
- (3) Where the liability of the Corporation to comply with any requirement of this Part of this Act in consequence of the giving of a damage notice depends on the determination of the question whether or not a person falls to be treated as liable as mentioned in sub-paragraph (1) above, the Corporation shall not be required to comply with that requirement until it is established in accordance with the provisions of that sub-paragraph whether or not that person falls to be so treated.
- (4) For the purposes of sub-paragraph (2) above, proceedings to determine by arbitration whether or not a person is a protected tenant by virtue of the ^{M1}Agricultural Holdings Act 1986 or the ^{M2}Agricultural Holdings (Scotland) Act 1949 shall be deemed to be begun when either—
- (a) an arbitrator or, as the case may be, an arbiter has been appointed by agreement between that person and his landlord; or
 - (b) an application for the appointment of an arbitrator or, as the case may be, an arbiter has been made by that person or his landlord to the President of the

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Royal Institution of Chartered Surveyors or, as the case may be, the Secretary of State.

Commencement Information

I1 Sch. 3 para. 2 wholly in force at 30. 11. 1991 see [s. 54\(2\)](#) and [S.I. 1991/2508, art. 2](#)

Marginal Citations

M1 [1986 c. 5.](#)

M2 [1949 c. 75.](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 19(1A) inserted by [2023 asc 3 Sch. 13 para. 162](#)