

Changes to legislation: Coal Mining Subsidence Act 1991, Paragraph 1 is up to date with all changes known to be in force on or before 16 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 6

FARM LOSS PAYMENTS

Commencement Information

II Sch. 6 wholly in force at 30.11.1991 see s. 54(2) and S.I. 1991/2508, art.2

Right to a farm loss payment

- 1 (1) Subject to the provisions of this Schedule, if any person in occupation of the agricultural unit who has an owner's interest—
- (a) is displaced from the whole, or a sufficient part, of the land affected by the subsidence damage (“the land affected”); and
 - (b) not more than three years after the date of displacement, begins to farm another agricultural unit (“the new unit”) elsewhere in Great Britain,
- he shall be entitled to receive a payment (a “farm loss payment”) from the Corporation.
- (2) In sub-paragraph (1) above “owner's interest” means a freehold interest or a tenancy where his interest is as tenant for a year or from year to year or a greater interest and “sufficient part” means not less than 0.5 hectares or such area as the Secretary of State may by order specify.
- (3) No farm loss payment shall be made to any person unless on the date on which he begins to farm the new unit he is in occupation of the whole of that unit in right of a freehold interest in it or a tenancy of it, not having been entitled to any such interest or tenancy before the date of displacement.
- (4) No farm loss payment shall be made to any person who is entitled to a payment under section 28 of this Act in respect of land which consists of or includes the land from which he was displaced.
- (5) In the application of this paragraph to Scotland, references to a freehold interest in land are references to—
- (a) [^{F1}an interest as infelt proprietor of][^{F1}a right as proprietor with completed title to] the land;
 - (b) a right to the land without a completed title; or
 - (c) in the case of land subject to a heritable security constituted by *ex facie* absolute disposition, an interest as the debtor in the security, except where the creditor is in possession of the land^{F2},
- but do not include references to an interest as a superior only.]

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Textual Amendments

- F1** Words in Sch. 6 para. 1(5)(a) substituted (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **Sch. 12 para. 54(5)(a)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F2** Words in Sch. 6 para. 1(5) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), Sch. 12 para. 54(5)(b), **13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
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Commencement Information

- I1** Sch. 6 para. 1 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, **art. 2**

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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](#)