



# Coal Mining Subsidence Act 1991

## 1991 CHAPTER 45

### PART II

#### REMEDIAL ACTION

##### *Special cases*

#### **19 Ancient monuments and listed buildings.**

- (1) This section applies where any property which—
- (a) is for the time being included in the Schedule of monuments compiled and maintained under section 1 of the <sup>M1</sup>Ancient Monuments and Archaeological Areas Act 1979;
  - (b) has been notified to the Corporation by the Secretary of State as an ancient monument within the meaning of that Act for the time being under the care of the Secretary of State; or
  - (c) is a listed building within the meaning of section 1 of the <sup>M2</sup>Planning (Listed Buildings and Conservation Areas) Act 1990, or [<sup>F1</sup>section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997], and is not of a description specified in an order made by the Secretary of State,
- is affected by subsidence damage and the character of the property as one of historic, architectural, archaeological or other special interest is or may be affected by that damage.
- (2) If and to the extent that it is reasonably practicable and in the public interest so to restore the property to its former condition as to maintain its character as one of special interest, this Part shall have effect in relation to the damage as if—
- (a) section 6(2)(a) above defined “remedial works” as such works as are necessary for the purpose of so restoring the property; and
  - (b) section 10 above were omitted.

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*Changes to legislation: There are currently no known outstanding effects for the Coal Mining Subsidence Act 1991, Section 19. (See end of Document for details)*

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- (3) Any question arising by virtue of subsection (2) above as to whether or how far it is reasonably practicable or in the public interest to restore any property as mentioned in that subsection shall be determined by the Secretary of State.
- (4) In this section “former condition”, in relation to any property, means a condition comparable to its condition immediately before the subsidence damage occurred.

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**Textual Amendments**

**F1** Words in s. 19(1)(c) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 50**

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**Commencement Information**

**I1** S. 19 wholly in force at 30.11.1991 see s. 54(2) and S.I. 1991/2508, **art. 2**.

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**Marginal Citations**

**M1** 1979 c. 46.

**M2** 1990 c. 9.

**Changes to legislation:**

There are currently no known outstanding effects for the Coal Mining Subsidence Act 1991, Section 19.