



# Coal Mining Subsidence Act 1991

## 1991 CHAPTER 45

### PART II

#### REMEDIAL ACTION

##### *General*

### **3 Notice of subsidence damage.**

- (1) The Corporation shall not be required under section 2(1) or (4) above to take any remedial action or make any payment in respect of the cost of emergency works, unless the owner of the property or some other person who is liable to make good the damage in whole or in part—
  - (a) has given to the Corporation the required notice with respect to the damage within the period allowed by this section; and
  - (b) has afforded the Corporation reasonable facilities to inspect the property, so far as he was in a position to do so.
- (2) The required notice with respect to any subsidence damage is a notice stating that the damage has occurred and containing such particulars as may be prescribed; and references in this Act, in relation to any subsidence damage, to a damage notice are references to such a notice with respect to the damage given within the period allowed by this section.
- (3) The period allowed by this section for giving a damage notice with respect to any subsidence damage is the period of six years beginning with the first date on which any person entitled to give the notice had the knowledge required for founding a claim in respect of the damage.
- (4) For the purposes of subsection (3) above, the knowledge required for founding a claim in respect of any subsidence damage is knowledge—
  - (a) that the damage has occurred; and
  - (b) that the nature of the damage and the circumstances are such as to indicate that the damage may be subsidence damage;

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**Changes to legislation:** Coal Mining Subsidence Act 1991, Section 3 is up to date with all changes known to be in force on or before 18 October 2023. 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

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and a person’s knowledge includes knowledge which he might reasonably have been expected to acquire from the facts mentioned in subsection (5) below.

(5) Those facts are—

- (a) any facts which were observable or ascertainable by him; and
- (b) any facts which would have been ascertainable by him with the help of any expert advice which it was reasonable for him to seek.

(6) In this Act—

“the claimant”, in relation to any subsidence damage, means the person who gave or, as the case may be, was the first person to give a damage notice to the Corporation in respect of the damage, and includes any successor in title of his;

“any other person interested”, in relation to any such damage and any time, means any person other than the claimant who, not less than 7 days before that time, gave such a notice to the Corporation in respect of the damage, and includes any successor in title of any such person.

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**Commencement Information**

**II** S. 3 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, art. 2

**Changes to legislation:**

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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](#)