



# Coal Mining Subsidence Act 1991

## 1991 CHAPTER 45

### PART V

#### SUPPLEMENTAL

##### *Disputes and complaints*

#### **41 Disputes about withholding of agreement or consent.**

- (1) This section applies where in the case of any property—
- (a) the agreement or consent of two or more persons is required for the Corporation to exercise any power conferred by section 5(3) or (5), 10(2)(b) or 33(2)(a) above; and
  - (b) the Corporation have reached agreement with or obtained the consent of one or more, but not both or all, of those persons.
- (2) If, on an application made by any of those persons or the Corporation, it appears—
- (a) in the case of property in England and Wales, to a county court; or
  - (b) in the case of property in Scotland, to the sheriff,

that any person whose agreement or consent is so required has withheld his agreement or consent unreasonably, the court or the sheriff may order that the provision conferring the power in question shall apply in the case of the property as if the Corporation had reached agreement with or obtained the consent of that person.

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

- C1** S. 41 amended (31.10.1994) by 1994 c. 21, s. 43, **Sch. 6 para. 7** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

#### **Commencement Information**

- I1** S. 41 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, Section 41.