



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART V

SUPPLEMENTAL

Disputes and complaints

44 Time limits for certain disputes.

- (1) This section applies to any question arising under this Act as to whether the Corporation are in breach of their remedial obligation in respect of any subsidence damage.
- (2) No question to which this section applies shall be heard and determined by any tribunal, court or other person unless the necessary reference is made, or the necessary proceedings are instituted, before the end of whichever of the following periods last expires, namely—
 - (a) the period of three years beginning with the earliest date on which the Corporation are in breach of their remedial obligation; and
 - (b) the period allowed by section 3 above for giving a damage notice with respect to the damage (the period of six years beginning with the date given by subsection (3) of that section).
- (3) For the purposes of subsection (2) above, any period during which the Corporation's remedial obligation is subject to the terms of a stop notice shall be disregarded.

Modifications etc. (not altering text)

C1 S. 44(1) 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. 44 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 44.