



# Coal-Mining (Subsidence) Act 1957 (repealed 30.11.1991)

1957 CHAPTER 59 5 and 6 Eliz 2

## 11 Special provisions with respect to ecclesiastical property, settlements, etc.

- (1) Any payment under subsection (4) of section one of this Act in respect of ecclesiastical property which would, apart from the provisions of this subsection, fall to be made to the owner thereof shall be made to the Church Commissioners to be applied for the purposes for which the proceeds of a sale of the property by agreement would be applicable under any enactment or Measure authorising, or disposing of the proceeds of, such a sale.
- (2) In the case of subsidence damage to any ecclesiastical property—
  - (a) in addition to any other person entitled to serve a damage notice in respect thereof, the Church Commissioners shall be so entitled;
  - (b) in addition to any other person upon whom the [<sup>F1</sup>Corporation] serve a notice in respect of that damage under subsection (2) of section two or subsection (2) of section three of this Act, the [<sup>F1</sup>Corporation] shall serve any such notice upon the Church Commissioners.
- (3) Where any property such as is mentioned in paragraph (a) of subsection (1) of section four of this Act is ecclesiastical property, the Church Commissioners shall be included among the persons whose consent is required under that paragraph.
- (4) Where a damage notice is served in respect of ecclesiastical property in respect of which the Church Commissioners, the Ecclesiastical Commissioners or Queen Anne's Bounty have received payments under such an agreement as is mentioned in subsection (2) of section seven of this Act, the Church Commissioners shall be under the like liability, if any, by virtue of that subsection as if they had been the owner of the property at any time while it was ecclesiastical property and as if any of the payments aforesaid received by any of the authorities aforesaid had been received by them; and the Church Commissioners may apply any money or securities held by them in the payment of any sum recoverable from them under the said section seven by virtue of this subsection.

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Coal-Mining (Subsidence) Act 1957 (repealed 30.11.1991), Section 11. (See end of Document for details)*

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- (5) The four foregoing subsections shall not extend to Scotland, Wales or Monmouthshire, and in those subsections the expression “ecclesiastical property” means property belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.
- (6) Where, in the case of any property to which subsection (1) of this section does not apply, the interest therein of the person to whom the whole or part of a payment under subsection (4) of section one of this Act would, apart from this subsection, fall to be paid is held by that person for religious purposes, then, if so requested by or on behalf of a body of persons notified to the [<sup>F1</sup>Corporation] by the Minister, after consultation with such persons and organisations as he may think appropriate, as the appropriate representative body, that payment or that part thereof shall be paid to that representative body.
- (7) The purposes authorised for the application of capital moneys—
- (a) by section seventy-three of the <sup>M1</sup>Settled Land Act 1925 and by that section as applied by section twenty-eight of the <sup>M2</sup>Law of Property Act 1925 in relation to trusts for sale: and
  - (b) by section twenty-six of the <sup>M3</sup>Universities and College Estates Act 1925 and the purposes authorised by section seventy-one of the Settled Land Act 1925, by that section as applied as aforesaid, and by section [<sup>F2</sup>thirty] of the Universities and College Estates Act 1925 as purposes for which moneys may be raised by mortgage, shall include the payment of any sum recoverable under section seven of this Act.

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#### Textual Amendments

**F1** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), **Sch. 1 para. 5(b)**

**F2** Word substituted by [Universities and College Estates Act 1964 \(c. 51\)](#), **Sch. 3 Pt. II**

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#### Marginal Citations

**M1** 1925 c. 18.

**M2** 1925 c. 20.

**M3** 1925 c. 24.

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Coal-Mining (Subsidence) Act 1957 (repealed 30.11.1991), Section 11.