



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART III

ADDITIONAL REMEDIES

Dwelling-houses rendered uninhabitable etc.

22 Home loss payments

- (1) Where a dwelling-house is affected by subsidence damage, Schedule 4 to this Act (which confers on any person displaced from the dwelling-house a right, in certain circumstances, to receive a home loss payment) shall apply if the requirements of subsection (2) below are satisfied.
- (2) The requirements of this subsection are satisfied if—
 - (a) by reason of deterioration due to the subsidence damage in the condition of the dwelling-house, the dwelling-house cannot reasonably be rendered fit to be used as such; and
 - (b) the dwelling-house is not used as such by or with the authority of the person who immediately before the deterioration in its condition was entitled to possession of it.

23 Relief for temporary dispossession

- (1) Where a dwelling-house is affected by subsidence damage, Schedule 5 to this Act (which confers on any person temporarily dispossessed of the dwelling-house a right to certain relief) shall apply as respects any period during which the requirements of subsection (2) below are satisfied.
- (2) The requirements of this subsection are satisfied if—
 - (a) by reason of deterioration due to the subsidence damage in the condition of the dwelling-house, and having regard to the time which will be required to remedy that deterioration, the dwelling-house is not in a reasonably fit state for it to be used as such; and

Status: This is the original version (as it was originally enacted).

- (b) the dwelling-house is not used as such by or with the authority of the person who immediately before the deterioration in its condition was entitled to possession of it.

24 Care of vacant dwelling-houses

- (1) Subject to subsection (2) below, where in the case of a dwelling-house which is affected by subsidence damage—
 - (a) the requirements of section 23(2) above are satisfied; and
 - (b) notice of that fact is given to the Corporation by the person who immediately before the deterioration in the condition of the dwelling-house was entitled to possession of it (“the occupier”),

this section shall apply in relation to the dwelling-house so long as those requirements continue to be satisfied.

- (2) This section shall cease to apply in relation to a dwelling-house, notwithstanding that the requirements of section 23(2) above continue to be satisfied, on the occurrence of any such event as is specified in paragraph 3(1) of Schedule 5 of this Act.
- (3) So long as this section applies in relation to a dwelling-house, the Corporation shall take reasonable steps for—
 - (a) preventing or minimising the risk of the house or its contents suffering loss or damage while it is unoccupied; and
 - (b) inspecting the house for the purpose of discovering whether any such loss or damage has occurred;

and the steps which it may be reasonable to take include, in particular, steps for keeping the dwelling-house weatherproof and secure against persons seeking to enter it as trespassers or, in Scotland, without lawful authority.

- (4) Where the Corporation request permission from the occupier to remove and place in storage at their own expense any of the contents of the dwelling-house, they shall not be liable by virtue of subsection (3) above for any loss or damage to any of those contents as respects which such permission is unreasonably refused.
- (5) Any claim arising out of a breach of the duty imposed by subsection (3) above shall be determined by the county court in England and Wales and by the sheriff in Scotland.
- (6) Nothing in this section shall affect any liability of the Corporation arising apart from this section.

25 Compensation for inconvenience etc. during works

- (1) The Secretary of State may, after consultation with the Corporation, make regulations requiring the payment by the Corporation of compensation for any inconvenience or disturbance which may be caused, as a result of the execution by the Corporation of remedial works, to persons residing in dwelling-houses affected by subsidence damage.
- (2) Regulations under this section may make provision with respect to—
 - (a) the making of claims for compensation under the regulations;
 - (b) the descriptions of persons who may make a claim for such compensation;
 - (c) the matters in respect of which, and any circumstances in which, such compensation is or is not to be payable; and

- (d) the sums, or the method of determining the sums, payable by way of such compensation.